# MORAL THEOLOGY

## A COMPLETE COURSE

*Based on St. Thomas Aquinas and the Best Modern Authorities*

BY

JOHN A. McHUGH, O.P.

AND

CHARLES J. CALLAN, O.P.

VOLUME II

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THE purpose of the present work is to give a complete and comprehensive treatise on Catholic Moral Theology. It deals with the subject as a systematic and orderly whole, and is based throughout on the principles, teaching and method of St. Thomas Aquinas, while supplementing that great Doctor of the Church from the best modern authorities. Needless to say, there are many questions and problems connected with modern life that did not exist when the great classic works on Moral Theology were written, and to these naturally special attention has been given in the present work.

It is the fault of too many textbooks on Moral Theology to stress controversies, cite authors and quote opinions, at the expense of the principles and reasons that govern and explain the teaching given. This work eschews that method, and is at pains everywhere, first of all, to lay the foundations on which the superstructure is to be built, namely, the definitions and rules that are presupposed to moral judgments and conclusions. Obviously, this is a more logical way of proceeding, and it consequently enables the student much more easily to understand and retain the matter studied, since he can thus reason questions out for himself.

H. Broderick
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# PART II

# SPECIAL MORAL THEOLOGY

(Continued)

## Question II

## THE DUTIES OF ALL CLASSES OF MEN (THE MORAL VIRTUES)

**1626.** After the theological virtues, which offer to God the services of faith, hope and charity, and which direct man to his Last End, follow the cardinal or moral virtues, which perfect the actions and passions of man, and make of them means for tending to the Last End. Of these four virtues (prudence, justice, fortitude and temperance), prudence is ranked first, as being the director of the others.

### Art. 1: THE VIRTUE OF PRUDENCE

(*Summa Theologica,* II-II, qq. 47-56.)

**1627. Definition.**—All the definitions of prudence are in substantial agreement, and from them we may formulate a detailed definition as follows: "Prudence is the virtue that consults well about the means to be used for leading a good life and applies the knowledge acquired through consultation to particular contingencies as they arise."

(a) Thus, prudence *consults well,* for its office is to study ways and means to right conduct, and to arrive at a sound judgment in spite of various uncertainties or unknown factors. Of the two practical virtues of the intellect, namely, art and prudence, the former deals with the application of right reason to cases in which there are, for the most part, certain and determinate ways of arriving at the end in view (*e.g.*, the rules of logic or grammar, the methods of music or sculpture); while the latter has to do with the application of right reason to cases in which the ways of obtaining the end in view are not certain or determinate (*i.e.*, the infinitely varied questions of lawfulness or unlawfulness that present themselves in concrete and particular situations).

(b) Prudence studies the means *to a good life;* and hence we do not consider a man as generally prudent, if he consults well for this or that particular good end, but not for the general end of leading a good life. Nevertheless, prudence falls short of the Gift of Wisdom, for prudence is concerned with human good, wisdom with divine good.

(c) Prudence *applies knowledge* to the direction of conduct, for the purpose of the practical virtues of the intellect is to guide the activities and productions of man according to the light of right reason. It should be noted, however, that whereas the application of knowledge is intrinsic to prudence, it is extrinsic to art; for prudence includes in its very essence a determination of the will to goodness, but not so art. Hence, a painter is not the less skilled in his profession if he voluntarily fails to exercise it or exercises it badly, but a person skilled in moral science is imprudent if voluntarily he fails to use his knowledge or uses it amiss. The sin against art is not to know; the sin against prudence is either not to know what one should know or not to apply rightly what one does know.

**1628. The Objects of the Act of Prudence.**—(a) Prudence is concerned, not with speculative truth (*i.e.*, with those things that are known for the sake of knowledge), but with practical truth (*i.e.*, with those things that are known for the sake of use). It aims, not to investigate and discover what is the nature of virtue, but to guide man so that he may become virtuous and practise virtue. It should be noted, however, that the acts of the speculative reason, although they do not belong to prudence itself, are like other acts subject to the direction of prudence; for in pursuing speculative studies one should use good judgment as to the subjects to be considered, the time, place, manner, etc., of study.

(b) Prudence is not concerned with necessary truths and first principles of morality, but with their application to contingent and particular cases, just as a physician is called on to cure, not a universal or abstract man, but the particular and individual man before him. But since one cannot well apply that of which one is ignorant, the prudent man must be acquainted both with the general rules of right living and with the particular things to which his knowledge is to be applied. He lacks prudence, therefore, who from vincible ignorance does not know a general principle (*e.g.*, that too much drink is bad), or a case to which that principle should be applied (*e.g.*, that the quantity of drink before one is too much).

**1629.** It is customary to distinguish a twofold object of a virtue, namely, the material object (*i.e.*, the kind of activity the virtue perfects, whether in the field of knowledge, or of action, or of production) and the formal object (*i.e.*, the special viewpoint of goodness from which the material object is considered).

(a) The *material* object of prudence embraces individual human actions performed under choice and freely (*agibilia*). (b) The *formal* object of prudence is the right deliberation, decision, and direction (*recta ratio*) to be given to human actions, with a view to the observance of the golden mean.

**1630. Necessity of Certitude.**—Prudence, being an intellectual virtue, must have certainty (see on the Certain Conscience, **640 sqq**.). But with regard to particular contingencies (*e.g.*, whether Balbus ought to marry Caia) there are various kinds of certainty.

(a) There is the certainty of knowledge based on a generalization from experience of what happens in the majority of cases (*e.g.*, that persons well mated by reason of birth, age, dispositions, etc., marry successfully). This kind of certainty belongs to moral science.

(b) There is also a certainty of knowledge based on the indications in a particular case (*e.g.*, that Balbus and Caia appear to have congenial dispositions and a mutual affection that will make their marriage a success). This is the certainty of opinion, and while it may suffice as a rule for conscience (see the Systems of Conscience, **672 sqq.**), events do not always verify its predictions. Hence it is said: "The thoughts of mortal men are fearful and our counsels uncertain" (Wis., ix. 14).

(c) There is finally the certainty of practical truth, which consists in harmony with a good will. This is the certainty that is proper to prudence, for this virtue is not a matter of reason alone. Hence, even though a matter properly decided on should not take place or should fail of the purpose intended (*e.g.,* if the marriage of Balbus and Caia is prevented or turns out badly), it remains that prudence was not deceived in its decision, for that decision when made was according to right reason and a good will.

**1631. Relation of Prudence to the Other Moral Virtues.**—(a) Prudence does not direct the moral virtues to their own proper *ends;* for the knowledge of those ends comes from synteresis, or moral understanding (*i.e.,* the natural perception of the first principles of right and wrong), while the inclination to those ends is from the moral virtues themselves. Prudence does not deal with first principles, nor is it an inclination towards particular ends. Hence, it is the intellectual virtue of synteresis that directs the moral virtues through the dictate that right reason must be followed, that moderation must be observed, that the passions of anger, pleasure, sorrow, etc., must be so regulated that both extremes of excess and defect will be avoided.

(b) Prudence directs the moral virtues to the *ways and means* by which their ends are to be attained; for the regulation of things particular and variable, such as ways and means, pertains to prudence. Synteresis is concerned with necessary principles, and the moral virtues give a uniform and steady inclination to follow the mean of right reason, but neither the one nor the other can indicate how principles are to be applied or how inclinations are to be put in practice. Hence, it is the work of moral science to determine what or how much anger, pleasure, sorrow, etc., is moderate for the average case; but prudence has to decide this for a particular case here and now (see on Conscience, **575**). Without prudence bravery becomes foolhardiness, temperance degenerates into fanaticism, and mercy changes to weakness.

**1632.** Prudence, indeed, directs the acts of all the virtues, ruling the virtues inferior to it (*i.e.*, art and the moral virtues), and serving the virtues that are its superiors (*i.e.*, the speculative intellectual virtues and the theological virtues).

(a) Thus, in exercising the intellectual virtues through study, contemplation, art, etc., one would go sadly astray if one did not consult prudence as to the time, manner, and method of performing these acts. Hence, a housewife who spent too much time in meditation would neglect her domestic duties.

(b) In exercising the theological virtues, through acts of faith, hope, and charity, there is also need of prudence, for it is not possible to continue in these acts without interruption, since there are times when other acts of virtue have to be attended to, and also times for repose. Thus, a person who goes about giving alms to the poor at hours when he is supposed to be at work for which he receives pay, is not prudent in his charity, since he does not choose the right time to exercise it.

**1633. The Exercise of Prudence.**—The acts that belong to prudence are those that one needs in order to direct one's conduct to that moderation which is the end of virtue. They are three: deliberation, decision, direction.

(a) Hence, in the first place, prudence takes *counsel* on, and deliberates about, the ways and means; (b) after ways and means have been discovered, it passes *judgment* (see **575**) on their suitability (*e.g.*, that restitution should be made at such a time, in such a way, in such an amount, etc., or that moderation in eating and drinking requires that this or that amount be taken, that this or that kind of food be avoided, etc.); (c) finally, but chiefly, prudence gives the *command* that what has been decided on be carried out, whether this be the quest of certain things that are advantageous or the avoidance of certain things that are dangerous.

**1634. Qualities of Prudence.**—The qualities that should characterize prudence are carefulness and confidence.

(a) Carefulness is a watchful attention given to deliberation and judgment enabling one to act with readiness and decision when the moment for action has arrived. Its necessity for prudence is clear, for one does not counsel or judge well unless one has a matter at heart, is anxious about its success, and devotes to it serious study and vigilance; nor does one direct well if there is hesitation and delay instead of promptness in performing what has been decided on. In a word, one should be quick in execution, but slow in deliberation. Hence the admonition of St. Peter to be prudent, and to be attentive to prayer as a preparation for a good life and for the judgment (I Peter, iv. 7). An example of carefulness is St. Paul, who was solicitous about all his churches (I Cor., xi. 28), ever inquiring about their condition, their progress, their needs, etc.

(b) Confidence, as a quality of prudence, is a reliance on judgments carefully formed which excludes worries and undue hesitations. This is necessary as a balance to carefulness; for while it is true that absolute certainty is not to be expected in forming decisions about courses of action (the future event and also many present things bearing on it being unknown to us), it is also true that overcarefulness blinds the judgment and paralyzes decision. In the character of Hamlet Shakespere pictures the man who is imprudent through excess of caution.

**1635. The Parts or Kinds of Prudence.**—As the divisions of parts correspond with the divisions of wholes, we should note that there are three kinds of wholes: a subjective, an integral, and a potestative whole.

(a) A *subjective* whole is one that is present as to its entire essence and all its power in each of the parts. This kind of whole is found in the genus, each of whose species partakes of the entire nature and energy included in the generic concept, just as the mode of being and of acting expressed by the term "animal" is found fully in dogs, cats, horses, and so on with the other kinds of animals.

(b) An *integral* whole is one that is not present in all its fullness either of essence or of power in the single parts. This kind of whole is found in a finished composite made up of heterogeneous units, such as a house; for neither walls, nor roof, nor foundation, nor any other single portion of the building is a complete house or has all the uses of a house, but if any one of them is lacking the house is not integral or complete.

(c) A *potestative* whole is one that is present in all its essence, but not in all its power in each single part. This kind of whole is exemplified in an active principle functioning through diverse faculties, such as the soul which thinks, wills, perceives, accomplishes by means of mind, will, sense, and bodily organs. The soul is present in its entirety in each of these, since it is a simple substance, but in one it exercises one power, in another a different power, in none of them all its powers.

**1636.** It is customary to speak also of the integral, subjective and potestative parts of a moral virtue. (a) Thus, the quasi-integral parts of a virtue are those functions without which its act is not perfectly performed; and with which it is more perfect. (b) The subjective parts are the species into which the virtue is divided. (c) The quasi-potestative parts are certain subsidiary or annexed virtues which have to do with the secondary acts of a principal virtue, as not having the full efficacy of the latter.

**1637. Integral Parts of Prudence.**—The integral parts of prudence, considered as a *cognitive* virtue or as an index of the right means, are those acts which enable one to have knowledge and to acquire knowledge. (a) Thus, the acts requisite for the possession of knowledge about ways and means are the memory of the past and the understanding of the present situation. (b) The acts requisite for the acquisition of new knowledge are docility, by which one learns from others, and quickness of perception, by which one discovers for oneself.

**1638.** The integral parts of prudence, considered as an *operative* or a *preceptive* virtue—that is, as the counsellor and director of life and behavior—are the acts without which one cannot make good use of knowledge as applied to conduct.

(a) Thus, knowledge of general principles must be applied to particular affairs, and this supposes that one knows *how to reason correctly*, how to infer the particular from the general, how to put facts together. Even those who are not skilled dialecticians have a certain amount of natural logic, and are able to make good use of data or premises in drawing conclusions about their obligations, and thus to make a prudent application of what they know.

(b) Knowledge gained through deliberation has to be effectually made use of; that is, the reason must impose its judgment carefully formed, must determine the line of action to be followed, must properly dispose the means in view of the end. This requires that a person should so direct his future acts as means to the end he has in view that they will be good in themselves (foresight or providence) and in their circumstances (circumspection), and that he will be guarded against external impediments that might hinder him, steering clear of both Scylla and Charybdis (caution): "The prudent man considereth his steps" (Prov., xiv. 15). Examples: Titus wishes to help the poor, and decides on certain methods of raising the money that are dishonest and disedifying. Balbus wishes to induce Caius to go to church, and therefore shows him marks of friendship, not reflecting that these acts of friendship, on account of the character of Caius, will arouse only haughtiness or suspicion. Claudius, in order to practise mortification, resolves on a fast, but also makes up his mind to visit certain friends who will try to make him break his resolution. Sempronius resolves to provide well for his family and also for certain deserving charities, but he fails to insure his property, to invest his money well and to make a will, with the result that neither his family nor the poor are provided for as he had intended. Titus lacked foresight, Balbus was not circumspect, Claudius and Sempronius were incautious.

**1639. The Subjective Parts or Species of Prudence.**—Prudence in general is the right direction of human actions to their ends; and hence there will be as many different kinds of prudence as there are different kinds of ends of human actions. But the division of ends will be into the particular good of the individual and the common good of the multitude, and thus there are the two species of individual or personal prudence and social prudence.

(a) Individual prudence is the right management of his own acts by the individual, with a view to his personal uprightness. (b) Social prudence is the right management of the acts of others or of self, with a view to the general welfare of a society.

**1640.** Social prudence in turn is subdivided in accordance with the two classes of society, the perfect and the imperfect, into political and domestic prudence.

(a) Political prudence is the right administration of the affairs of a larger multitude, such as the State. (b) Domestic prudence is the right administration of the affairs of the family.

**1641.** Political prudence, according to usage, often has or may bear an unfavorable and evil signification. Hence, as we are considering now the virtue of prudence, we should remark that political prudence here is something very different from political methods or practices that are wise in evil, but not in good, though often called prudent (see **1651, 1674 sqq.**). Examples: (a) Evil forms of government, such as tyranny, oligarchy, or mob rule, cannot be said to have the virtue of political prudence, no matter how successful they may seem, for they do not rule in the interests of the people at large, and this interest is the very beginning and end of true social prudence. (b) Evil practices in the regulation of government or of political parties —such as employment of foul means to maintain the interests of the State, corruption, bribery, intimidation, used for the purpose of winning the election of a ticket or candidate—cannot be honored with the name of prudence, but should rather be called Machiavellism and dishonest politics.

**1642.** Prudence exercised for the benefit of the nation as a whole should be found, not only in rulers, but also in private citizens. We may distinguish, then, the following kinds of prudence:

(a) in those who conduct the affairs of the nation there should be governmental prudence or statesmanship. Of rulers prudence in the highest degree is expected; for the chief function of prudence is to direct actions, and the heads of States must direct not only their own actions but those of great bodies of men. Scripture speaks of prudence and justice as the two virtues that are especially needed in a prince (Jer., xxiii. 5);

(b) in those who direct the defense of the nation against its enemies there should be military prudence, for bravery has to be guided by wisdom: "A wise man is strong, and a knowing man, stout and valiant, because war is managed by due ordering, and there shall be safety where there are many counsels" (Prov., xxiv. 5, 6);

(c) in subjects there should also be political prudence, for, as they are rational beings and members of society, they should willingly rule their acts according to the law and should fulfill their own particular offices with a view, not only to their own individual good, but to the good of the whole community.

**1643. Utility of Prudence for Society.**—Hence, we see that none of the virtues is selfish or concerned exclusively with the good of individuals. (a) Thus, prudence, as just said, is political and domestic as well as individual; (b) justice is legal (*i.e.*, towards society) as well as commutative (*i.e.*, towards individuals); (c) even temperance (*e.g.*, avoidance of drunkenness) and courage (*e.g.*, defense of public safety) pertain to the common good and are commanded in laws of the State.

**1644.** Prudence attends chiefly to good morals, but it attends also to other goods that benefit human life.

(a) Thus, personal prudence directs one, not only to seek after virtue, but also to seek after lawful conveniences and to shun such things as are embarrassing or undesirable. Hence, the prudent man acts so as to avoid offense and to gain the good will of others; he studies the dispositions of those with whom he lives, so as to live peaceably, etc.; he protects himself against the attacks and snares of the unfriendly (cfr. Acts, xxiii. 6; Matt., xxii. 17).

(b) Domestic prudence provides not only for the virtuous lives of the members of the household, but also for their health and happiness, food and clothing, and other necessities and lawful pleasures (Luke, xii. 42).

(c) Political prudence is exercised, not only in the regulation of the conduct of the people through good laws, but also in the promotion of their welfare, peace, prosperity, and contentment.

(d) Military prudence provides for religion and good morals, by appointing chaplains, giving opportunity for religious exercises, insisting on discipline and military virtues, etc.; but it also looks after the interests of the individual men, the efficiency of all branches of the service, preparedness of the fighting forces, etc.

**1645.** Neither should practical prudence or practicality (*i.e.*, the knowing what to do and how to do it) be identified with merely material pursuits, since it is a quality that pervades all human activity, from the lowest to the highest, from the manual to the intellectual, from the temporal to the spiritual. Just as there are unpractical mechanics and business men who are not skilled at their work, so also there are practical students and church people who do their own work well and get good results.

**1646. The Potential Parts of Prudence.**—As was explained in **1636**, the potential parts of a virtue are certain annexed virtues, usually inferior ones, that have to do with the secondary acts of a virtue to which they are subordinated. The principal act of prudence is *direction*, its secondary acts are *deliberation* and *decision* (**1633**). Hence, we have the following potential parts of prudence:

(a) *wise deliberation* (*eubulia*), which is a habit of debating with oneself according to correct methods the means to be employed for virtuous choice;

(b) *wise decision*, which is an habitual state of the mind which makes it ready to draw right conclusions about the means to be chosen for virtuous conduct.

**1647.** Wise deliberation and wise decision differ from prudence, which is wise direction, and they are subject to it just as counsellors are subject to a commander. But is it possible for these three virtues to exist apart?

(a) If there is question only of natural dispositions to these virtues, they may exist apart. Thus, we find that certain persons have an imagination ready to discover ways and means; that others are not so inventive, but are remarkable for common sense in choosing the most suitable means; and that still others are so inclined to some virtue that they will promptly make use of means that tend to it. The first class are readily listened to in deliberations, the second in decisions, while the third are usefully employed in executing matters that suit their natural bent (*e.g.,* the naturally generous in dispensing alms).

(b) If there is question of the virtues themselves, they do not exist apart; for a man is not prudent if he does not deliberate as he should (*e.g.,* if he searches for evil means to effect his good purpose), or if he does not decide as he should (*e.g.,* if he concludes to prefer evil means to the good ones his deliberation had shown him), or if he does not direct his actions as he should (*e.g.,* if he neglects to carry out what he had decided on as a necessary duty or performs it in a careless or improper way). True prudence, then, is wise in deliberation, in decision, in direction. A good man may be excused if he is not resourceful, or if he lacks sound judgment in worldly matters, but one who is imprudent in the matter of a virtuous life is not a good man.

**1648. The Persons Who Possess Prudence.**—Political prudence, if understood of the ability to rule well, is not found in all persons, not even in all the good.

(a) Thus, those who are imprudent in their own affairs are not fitted to rule, and hence a man who is unjust, or intemperate, or cowardly, lacks political prudence: ''If one knows not how to govern his own house, how will he be able to take care of the Church of God?'' said St. Paul in discussing the qualifications of prelates (I Tim., iii. 5). He who does not know how to obey well does not know how to rule well.

(b) Those who have infused prudence on account of the state of grace are not necessarily fitted to govern, for even children have the grace of prudence through Baptism and there are many grown-up persons of saintly lives who are not a success in office and administration. Thus, Pope Celestine V, though a most holy man, resigned from the Papacy, because he felt himself unequal to the task of ruling in troublous times.

(c) Those who have acquired prudence through reason and experience, and who are therefore just, temperate and strong, are morally well fitted in natural endowments to rule. He who has learned to obey well is prepared to learn to rule well.

**1649.** Political prudence pertains to subjects as well as to rulers, although not in the same manner.

(a) Thus, rulers in the civil community should have political prudence in a supreme degree, or statesmanship, so that they may be able to discharge well the function of sovereignty entrusted to them, whether as legislators by deliberating wisely and choosing suitable laws, or as judges by correctly interpreting and applying the law, or as executives by maintaining the government and enforcing its laws.

(b) The citizens who exercise the *power of suffrage* should be gifted with no small degree of political prudence: they should be loyal to the institutions, laws, and welfare of the country, able to form a good judgment about men and measures that are the issues in a campaign, and ready to vote according to conviction rather than prejudice or personal interest.

(c) The people can also exercise political prudence when *obeying the laws,* as when they act from a sense of duty and as rational beings, not unwillingly or blindly; for thus they rule themselves as freemen and enlightened beings, deliberating and deciding with themselves how they may coöperate for the common good and directing their acts according to law.

**1650.** The principles just given concerning political prudence will apply also, due proportion being observed, to domestic prudence.

(a) Hence, it is the duty of those who have authority over a family or a similar community to cultivate domestic prudence, without which they cannot discharge rightly the duties of their position of parent, rector, superior, manager, etc. Confessors and directors of souls need especially to be prudent; for even though a priest is thoroughly grounded in the principles of a moral system of conscience and in the teachings of ascetical theology, he will have to be guided by prudence in making use of his knowledge, so as to apply it well in the great variety of cases that will come before him, and to decide what will be most useful for the spiritual welfare of each individual subject.

(b) It is the duty of those who elect or appoint others to positions of authority (such as the positions of guardian, teacher, superintendent, etc.) to be assured beforehand of the fitness of the person chosen as regards prudence, namely, that he is devoted to the welfare of those whom he will rule, that he has acquired sufficient knowledge and experience, and that his habits are temperate, resolute, just.

**1651. Relations between Prudence and Other Virtues.**—In the preceding paragraphs the possession of prudence has been joined with the moral virtues. Hence the question presents itself: Can one who lacks the moral virtues possess prudence?

(a) Evil prudence, which chooses ways and means well adapted to some nefarious scheme, and imperfect prudence, which means and judges well but does not strongly resolve, are of course found in sinners. Evil prudence is called after the virtue, because it is a counterfeit of the latter's goodness, but it is more properly named astuteness or cunning. Its sinfulness is strongly expressed in Rom., viii. 6, which declares that the prudence of the flesh is death. Imperfect prudence is also sinful, for it permits a right judgment to remain ineffectual and is thus recreant to conscience. Examples of evil prudence are the unjust steward mentioned in the Gospel (Luke, xvi. 1), who was wise enough to cheat his master and serve his own interests, and artful swindlers who know how to lure their victims and then escape without detection. Instances of imperfect prudence are persons who deliberate well on the means to overcome assaults of temptation or to escape occasions of sin, but whose resolutions never last.

(b) Indifferent prudence is resourceful in finding ways to accomplish purposes that are good, but that are not necessarily referred to moral aims. Thus, certain men seem to have an uncanny instinct in business or industry of hitting on the methods that lead to success and of acting at the right time, and a similar fact is observed in the fields of science, medicine, art, etc. This kind of ability of knowing and doing the right thing is variously described as insight, discrimination, tact, and is variously explained as luck, genius, industry, etc. But, morally speaking, it is neither virtuous nor sinful, since we find, for example, that men endowed with business acumen or a practical sense of the uses of some art or science devote their talents sometimes to good, sometimes to evil, according to the difference of their characters.

(c) Good prudence is that which in thought and in act functions well with regard to the means for leading a good life. It is only this prudence that receives the name of virtue; and, since it is clear from its concept that it supposes a good life, we must conclude that the virtue of prudence is not found in sinners. It may happen, therefore, that a man is most sagacious in managing temporal affairs, or most skillful in administering the spiritual interests of others, and withal most imprudent because he neglects his own salvation.

**1652. Sins that Cause One to Forfeit the Virtue of Prudence.**—(a) Infused prudence is lost by any and every act of mortal sin, whether the sin be against the knowledge had through faith or the knowledge had through reason. (b) Acquired prudence is lost by repeated acts of mortal sin opposed to the knowledge had through reason, but not by one sole act. Thus, a person who through experience and practice has become prudent in overcoming past vices, loses this prudence if he disregards the lessons of the past and exposes himself to the old dangers of mortal sin (see **138**).

**1653.** We may sum up as follows regarding sinners and the possession of the virtue of prudence:

(a) sinners guilty of venial sin only have infused prudence, and also the habit of natural prudence, if they have acquired it by their own efforts;

(b) sinners guilty of mortal sin against supernatural light (*e.g.*, those who sin against faith or hope) have not the infused virtue of prudence, though they may have the acquired virtue;

(c) sinners guilty of habitual mortal sin against natural light (*e.g.,* those who are accustomed to sin against temperance or justice) have neither the infused nor the acquired virtue of prudence. Even one mortal sin, though it will not take away the inclination of the habit of prudence, will deprive one of the perfection of the virtue of prudence, for which it is required that in every act there be a judgment agreeable to a good will.

**1654. The Virtue of Infused Prudence in Those Who Are in the State of Grace.**—(a) Infants in the state of grace through Baptism possess this virtue in an habitual, but not in an actual manner—that is, on account of their sanctification they have the power, but on account of their want of reason they have not the use of the power.

(b) All adults in the state of grace have this virtue both habitually and actually, as far as the need of salvation requires its exercise. Grace enables them either to perceive what they should do to live well, or to seek counsel from the better instructed and to distinguish between good and bad advice.

(c) Some adults in the state of grace have good judgment in a superior degree and are able to direct not only themselves but others, and to deliberate and decide rightly, not only in matters necessary for salvation, but in all kinds of affairs pertaining to the direction of human life.

**1655. Can the Acquired Virtue of Prudence Exist in Young People?**—(a) If there is question of a formed habit of prudence, the virtue is not in the young, but in those who are advanced in years. Acquired prudence is originated by deliberation on particular cases and by habit, and these are not had without experience and time. Hence, this virtue is to be looked for in the elderly, both because the passions that disturb calm deliberation are no longer so impetuous in them, and because their years have taught them many lessons and given them the opportunity to acquire fixed ways of acting: ''In the ancient is wisdom, and in length of days prudence'' (Job, xii. 12; cfr. III Kings, xii).

(b) If there is question of a formative prudence, this is found in the young, for they deliberate and decide at times with judgment and firmness, and, if such acts are frequently repeated, they will eventually proceed from a settled moral inclination. It is necessary, therefore, that the moral training of the young begin early, that instruction, counsel and direction be given them by parents and other guides, so that the way of virtue may be made more easy. The young are in duty bound to listen frequently, willingly and reverently to the admonitions of their elders, and hence the modern tendency of youth to act as critics of morals is as foolish as it is presumptuous.

**1656. Is There Such a Thing as an Instinctive or Native Prudence?**—(a) If we speak of the knowledge of universal principles of right and wrong which are applied by prudence, those principles that are most general are known naturally (*i.e.,* even without instruction or inference), but not so the less general principles that follow from them (see **320 sqq.**). Broadly speaking, therefore, one might say that prudence is natural, for in respect of its first principles it has a natural evidence; but it is more correct to say that knowledge of first principles belongs to intuitive reason or understanding, which is also called synteresis in reference to practical truths (see **145**), and which is a gift of nature.

(b) If we speak of the particular knowledge of virtuous aims that is presupposed to prudence, one may possess naturally a right judgment about those aims, inasmuch as the right objectives of human life are not variable but determinate, and accordingly may be the centers of attraction to nature, which is drawn to the invariable and determinate, as is seen in irrational creatures. In fact, certain persons are by nature disposed to certain virtues (*e.g.,* temperance), and readily form accurate judgments as to what concerns these virtues. Broadly speaking again, we may say that prudence is natural in the sense that nature disposes some persons to judge rightly about moral ends.

(c) If we speak of the particular knowledge concerning ways and means to fulfill virtuous purposes, there is no natural knowledge of this kind, for the ways and means to moderation are infinitely varied according to the differences of affairs, persons, and circumstances. And since prudence strictly understood is concerned, not with universal principles or the ends of virtues, but with individual cases and the particular means to be employed, it follows that in the strict sense prudence is not natural. But just as we find that some men are better fitted by nature to judge correctly in speculative matters, so also some persons are superior to others in the ability to reason about practical cases and the means conducive to morality.

**1657. The Growth and Decay of Prudence.**—(a) As repeated acts form a habit of prudence, so do repeated acts strengthen prudence already formed, especially when the chief act of prudence (*i.e.*, the command that things wisely deliberated on be performed) is often brought into play. Even infused prudence is augmented and perfected by use and practice: "Strong meat is for the perfect, for them who by custom have their senses exercised to the discerning of good and evil" (Heb., v. 14).

(b) As prudence consists primarily in a dictate which applies the reason's knowledge to the control of will and conduct, this virtue is corrupted chiefly by passion. We see that those who are swayed by pleasure or pain lose sight of the true motive of choice and action, and do not issue to themselves the order which prudence and their better judgment inspire. Thus, lust deceived even the elders of the people (Dan., xiii. 56), and bribes blind even the prudent (Exod., xxiii. 8). Nature enables a man to judge rightly about the universal principles of right and wrong; but, when judgment is to be given about particular lines of action, "as a man is, so he judges," the licentious man judging for pleasure, the cowardly man for neglect of duty. Hence, the moral virtues must be united with prudence, else it perishes.

(c) As prudence presupposes a fund of general moral principles, forgetfulness is an impediment to this virtue; yet not so that every loss of memory which deprives one of arts and sciences will also take away prudence. For, while art and science consist entirely of knowledge, prudence has also a moral element derived from a right inclination of the will towards goodness, and its chief office is the utilization of principles in practice. The virtuous man will continue to follow prudence, even though he has forgotten its theory or rules, guiding himself by good habits formed or by the counsel of those wiser than himself.

**1658. The Gift of Counsel.**—The Gifts of the Holy Ghost supplement the theological virtues by ministering to them; but they supplement the moral virtues, of which prudence is the first, by aiding and perfecting them. The Gift that corresponds directly to prudence is Counsel, for both are concerned with the direction of human acts, prudence directing by the standard of human reason and counsel by the Holy Ghost Himself.

**1659. Definition.**—Counsel is defined as "an infused habit which makes the soul prompt to receive and act upon the enlightenment offered by the Holy Ghost about the means to be chosen with a view to its own eternal salvation."

(a) Counsel is different from the virtue of *wise deliberation* spoken of in **1646**; for, while the virtue enables one to do good in a human manner and from one's own motion (*e.g.*, by seeking advice, by making inquiries, etc.), the Gift enables one to do good in a superhuman manner and under the motion of the Holy Ghost (*i.e.*, by hearkening to the advice offered by God).

(b) Counsel is different also from the charism of *good counsel,* which makes certain persons remarkable as advisors or directors. Thus, Mathathias when dying said to his sons: "I know that your brother Simon is a man of counsel; give ear to him always, and he shall be a father to you" (I Mach., ii. 65). St. Antoninus of Florence was so successful in guiding those who came to him with their difficulties that he was called "Antoninus of the Counsels." The Gift is intended to benefit its possessor, and it is therefore had by all the just; but the charism is for the benefit of others, and is freely bestowed according to the will of God only on certain individuals who have a special mission of directing or assisting their neighbors.

**1660. Subject-Matter of Counsel.**—The subject-matter of the Gift of Counsel embraces all that pertains to salvation, both the things that are necessary and are commanded and the things that are not necessary and are only counselled.

**1661.** The Gift of Counsel may direct one at times to courses that are singular and extraordinary. But, since the Apostolic rule is that one should not believe every spirit but should prove the spirits whether they are from God (I John, iv. 1; I Thess., v. 21), persons who feel called to unusual kinds of life should submit their ideas to the judgment of the Church: "Arise and go into the city, and there it shall be told thee what thou must do" (Acts, ix. 7).

**1662. The Beatitude and Fruits that Correspond to the Gift of Counsel.**—(a) Counsel directs one to all the means that are useful for the attainment of life eternal, but especially to acts of mercy, for, as St. Augustine remarks, without mercy shown to others we cannot be freed from our own evils. Cognate to Counsel, therefore, is the Fifth Beatitude: "Blessed are the merciful, for they shall obtain mercy" (Matt., v. 7).

(b) Counsel is practical, and hence its ultimate result will be action of some kind. The acts which its farseeing view puts especially into exercise are acts of mercy, and acts of mercy have sweetness and agreeableness when accompanied by a sympathetic love of the afflicted and a cheerful and generous service of their needs. There belong to mercy, then, the two delightful acts or fruits of the Spirit mentioned in Gal., v. 22, and called *goodness* (*i.e.*, internal benevolence) and *kindness* (*i.e.*, external beneficence).

**1663. The Sins Against Prudence.**—There are two classes of sins opposed to prudence. (a) Manifestly opposed to it are those sins that consist in a want of the acts or conditions requisite for prudence. These may be called sins of imprudence or sins that offend prudence by way of non-use. (b) Seemingly allied with prudence are those sins that consist in a wrong application of the acts or conditions of the virtue. These may be called sins of pseudo-prudence, or sins that offend against prudence by way of abuse. We shall speak first of imprudence and then of pseudo-prudence.

**1664. Kinds of Imprudence.**—There are three kinds of imprudence. (a) Negatively considered, imprudence is nothing more than the absence of prudence, and it is not necessarily a sin. Thus, children and young people through no fault of their own are negatively imprudent, though of course their lack of prudence may be traced back to original sin.

(b) Privatively considered, imprudence is the failure to have the habitual prudence that one is bound and able to possess. This failure is due to the fact that one has taken no pains to educate oneself through study, sermons, instructions, etc., so as to be able to act prudently when the occasion arises. Privative imprudence is therefore reducible to the sin of negligence, although negligence itself, as being opposed to carefulness (**1634**), is also against prudence, as we shall see.

(c) Contrarily considered, imprudence is the voluntary omission of some act or condition demanded by prudence (as when one is so taken up with amusements that one makes no effort to deliberate on an important matter or deliberates with undue haste), or the voluntary commission of an act exclusive of an act or condition of prudence (as when one expressly contemns deliberations or decides to act against the rules of prudence). This kind of imprudence is a mortal sin when it leads away from things necessary for salvation; otherwise it is a venial sin.

**1665. Sinfulness of Imprudence.**—Is imprudence a general sin, that is, a sin which is included in every kind of sin?

(a) Imprudence is not included in every kind of sin in the sense that it forms a part of the very nature of every kind of sin; for, just as prudence has its own special acts (*i.e.*, to direct according to reason), distinct from those of other virtues, so has imprudence its own special defects that do not belong to other kinds of sin.

(b) Imprudence is included in every kind of sin in the sense that everyone who sins acts imprudently in sinning; for, just as one does not act virtuously unless prudence directs one, so one does not act sinfully unless there is some defect in the deliberation, or decision, or direction given by reason.

**1666.** It should be noted that, while the defects against deliberation, decision, and direction are so many different kinds of imprudence, they do not form species of sin distinct from the motivating sin if they are all directed to one evil purpose.

Hence, if a person has deliberated badly, decided badly, and directed badly in the matter of striking a priest, he needs to confess but one sin, namely, that of laying sacrilegious hands on a cleric.

**1667. The Sin of Haste.**—The sin of *haste* or *precipitancy* passes over or hurries over the processes of deliberation that ought to precede action; it devotes little or no attention to memory of past experiences, understanding of present conditions, or conjecture of future possibilities; it does not give to a question the proper amount of study or of consultation. It is of two kinds, *ordinary* and *rash.*

(a) *Ordinary* precipitancy results from a strong inclination of the will or of the passions, as when a person speaks in anger before he has thought of the serious consequences of his words, or marries without reflection, or purchases an article the worth of which he does not know, or agrees to something about which he is in the dark, etc. Both Holy Writ and popular proverbs strongly condemn this sin.

(b) *Rash* precipitancy results from contempt of the law, as when one so despises an ordinance as to violate it without the slightest hesitation or reflection. This sin pertains to pride as well as to imprudence. In various censures the word ''rashness'' or ''temerity'' is used as here given, as when excommunication is pronounced against rash violators of the law.

**1668. The Sin of Thoughtlessness.**—The sin of *thoughtlessness* or *inconsideration* is a neglect or contempt of the means of arriving at a wise decision. It is a failure, therefore, to make use of right understanding, which looks well at the particular case before it and studies and measures it in the light of first principles.

(a) He is guilty of thoughtlessness, then, who fails to do what he can to judge rightly about his duty; nor is he excused if he leaves the whole matter to God, for it is temptation of God to expect that He will provide when man does not do his own part (Prov., iv. 25).

(b) He is not guilty of thoughtlessness who has not the opportunity of judging, or who lacks sufficient knowledge, or who is taken unawares; nor is he guilty of temptation of God, if in such difficulties he commits all to Providence. Thus, when various nations were gathered together to fight against Juda, King Josaphat prayed: "As we know not what to do, we can only turn our eyes to Thee" (II Par., xx. 12). And Our Lord promised special help to the disciples for cases of need when they were unable to help themselves (Matt., x. 19).

**1669. The Sin of Inconstancy.**—The sin of *changeableness* or *inconstancy* is committed when, owing to anger, jealousy or other inordinate passion, the reason repudiates things that had been rightly decided on and fails to act on judgments that had been rightly made (Is., xxxvii. 3). From inconstancy result incontinence (*i.e.*, instability in the face of pleasure) and effeminacy (*i.e.*, instability in the face of sadness).

**1670. Causes of the Sins of Haste, Thoughtlessness, and Inconstancy.**—(a) Every inordinate desire brings on these sins by diverting the mind from a good to an evil object. Experience shows that the avaricious, the ambitious, the angry, the jealous, etc., do not listen to reason, but act imprudently: "Where envying and contention is, there is inconstancy" (James, iii. 16).

(b) Desire of pleasure, especially of venereal pleasure, is most fatal to prudence by extinguishing the judgment of reason. The intellect is immaterial and is occupied with abstract truth, whereas sensual delights are immersed in the material and sensible. Hence, carnal sins are more injurious to prudence than spiritual sins. The sensual man not merely does not listen to reason, but he does not even hear it. Venus steals away the reason, said Aristotle, and this truth is well exemplified in King Solomon.

**1671. The Sin of Negligence.**—The sin of *negligence* is opposed to carefulness or diligence, and consists in the failure of the reason to direct properly an act, or some circumstance of an act, to which one is obliged.

(a) Negligence is a general sin in the sense that it has no special matter of its own, such as a passion to be moderated (as is the case with temperance and fortitude) or an action to be regulated (as is the case with justice). The acts of reason should extend to every kind of matter, and hence a person may be negligent (and likewise inconstant, thoughtless, hasty) with reference to any kind of action or passion.

(b) It is properly a special sin, as being the opposite of carefulness, which is a special act of prudence.

**1672.** Negligence is distinct from the following sins: (a) from laziness and lukewarmness, which are defects of the external act, while negligence is a defect of the internal act (see **1326, 1327**); (b) from sins of omission, which pertain to external acts and are results of negligence, and are opposed to some other virtue than prudence (*e.g.*, negligence in paying debts is against justice); (c) from inconstancy, which fails to command an act to which one is bound, as though one were impeded, while negligence fails because there is a want of promptness in the will. The inconstant man is easily diverted from his course; the negligent man is slow in getting under way.

**1673. The Sinfulness of Negligence.**—(a) It is a mortal sin when some act or circumstance necessary for salvation is omitted on its account (*e.g.*, when a debtor puts off from day to day the payment of a bill, and in consequence causes a great injury), or when it proceeds from contempt or preference of the creature to God. (b) It is a venial sin when the act or circumstance omitted is not necessary for salvation (*e.g.*, when a judge causes a slight injustice by reason of his procrastination), or when it proceeds from a want of fervor.

**1674. False Prudence.**—So far we have considered the sins of imprudence; now we shall speak of the sins of false prudence, which turn to wrong objects the acts that prudence employs for good, or which use inordinately the care that prudence employs in moderation. Thus, there are several kinds of imitation-prudence.

(a) Prudence is in love with the good of virtue as the end of life; the *prudence of the flesh* is in love with some pleasure or utility, and makes this good the center of attraction for all its acts.

(b) Prudence deliberates and judges about good and lawful means for its end; *astuteness* deliberates and judges how it may make use of evil means, and it employs *trickery* and *fraud* to perform what it decides on.

(c) Prudence is chiefly concerned about the spiritual, but its concern is not excessive; *solicitude for temporal things or for the morrow* is more anxious about the things of this world, or is unduly anxious about spiritual things.

**1675.** The prudence whose end is bad is the sin of those who counsel, judge, and direct well as to the means for securing temporal goods which they have made the supreme purpose of their lives. This sin is given the one general name, "prudence of the flesh," from Rom., viii. 6, where the aspirations of the flesh are contrasted with the aspirations of the spirit. But it is also sometimes distinguished according to the different kinds of created things in which false prudence puts its desire, or according to the different kinds of allurements to such created goods.

(a) Thus, those who aim chiefly at internal goods (*i.e.,* bodily pleasures, health, etc.) are said to have the prudence of the flesh, while those who long mostly after externals (such as fine clothes, jewelry, estates, etc.) are said to have the prudence of this world: "The children of this world are more prudent in their generation than the children of light" (Luke, xvi. 8).

(b) We may also divide prudence about a wrong end into earthly, animal and devilish, according to the threefold source of temptation, as was explained above in **1623.**

**1676. Sinfulness of the Prudence of the Flesh.**—(a) If prudence of the flesh be understood in its stricter meaning as designating the condition of those who make the things of this world the be-all and the end-all of existence, it is a mortal sin; for it is impossible that one should have two last ends or serve two masters whose interests are opposite: "The wisdom of the flesh is an enemy to God, for it is not subject to the law of God, neither can it be" (Rom., viii. 7).

(b) If prudence of the flesh be taken in a less strict sense as signifying the behavior of those who make God the supreme end of their lives, but who in some affair plan shrewdly for a particular end that does not entirely square with right reason, it is then a venial sin. An example is a host who is very practical in buying supplies and making all the arrangements for a banquet at which the guests will conduct themselves with too much hilarity.

(c) If prudence of the flesh be used in a wide or improper sense as signifying the care of the body and other temporal things for the sake of a good end, it is not sinful, but virtuous. Thus, a person who is careful about his diet in order that he may conserve his health and be enabled to work more efficiently and fruitfully, is virtuously prudent. The use of the term, "prudence of the flesh," for these last two cases is inaccurate and misleading.

**1677. Astuteness, Trickery and Fraud.**—The prudence whose means are bad is the sin of those who skillfully plan and carry out wicked ways and methods of securing some desired end, even though it be a good end.

(a) The planning of wicked means through which some design can be successfully achieved is the sin of *astuteness*, and the persons who are well-fitted for such things are known as schemers and plotters. The counsel of the Jews against Christ (Matt., xxvi. 3-5) and the bribery of the sepulchre guards (Matt., xxviii. 12-14) are examples of astuteness.

(b) The carrying out of astute plans may be done either by violence or by stealth; but, as evil loves to hide itself and to pose as good lest its success be endangered, schemers usually resort to *trickery* and *fraud*. Lord Bacon's essay on "Dissimulation" is a good description of the method of worldly policy.

**1678.** Trickery in general is the secret employment of sinful means with the view to impose on others and thus gain some advantage one has in mind. Hence, it has a wide application and includes fraud as well as other uses of unlawful means. But trickery may be distinguished from fraud as follows:

(a) trickery is the execution of an astute plan by *words* calculated to deceive or circumvent another person. Words are the chief means of communication between men, and hence trickery is more usual than fraud. Examples of trickery are the artful traps prepared for Our Lord by the Pharisees when with apparent respect they asked His views about the condemnation of the adulteress (John, viii. 3 sqq.) and the payment of tribute (Matt., xxii. 17), their purpose being to obtain evidence that He spoke against the Law;

(b) fraud is the execution of astute plans by means of dishonest actions, as when a person cheats by not observing the rules of a game, or defrauds by selling inferior goods, or imposes on others by passing himself off as their friend, etc.

**1679.** Trickery may be used for good as well as evil ends, and thus St. Paul disowns the practice of persuading men to embrace the Faith by appealing to their prejudices or by toning down the Gospel: "We renounce the hidden things of dishonesty, not walking in craftiness, nor adulterating the word of God; but by manifestation of the truth commending ourselves to every man's consciousness in the sight of God" (II Cor., iv. 2).

**1680.** The gravity of the sins of astuteness, trickery and fraud depends on the character of the object, end and circumstances. (a) Thus, on account of the object the sin is grave when the means chosen are very bad (*e.g.*, serious calumnies), venial when the means are slightly evil (*e.g.*, lies about unimportant matters); (b) on account of the end the sin is mortal when one intends to perpetrate a serious offense (*e.g.*, clever ruses to get into a house in order to rob it), venial when the purpose is not so bad (*e.g.*, cheating at cards in order to win a small sum); (c) on account of the circumstances the sin is made mortal by some grave defect or disorder in the act resulting from the condition of time, place, person, etc. Thus, there might easily be great scandal if a person of authority were known to lie habitually, as it suited his interests.

**1681. Solicitude.**—Another form of spurious prudence is *solicitude*, that is, an inordinate carefulness about temporal things or about the future. Its sinfulness appears from the following considerations.

(a) Our Lord condemns solicitude: "Be not solicitous therefore saying: 'What shall we eat, or what shall we drink, or wherewith shall we be clothed?' . . . Be not solicitous for the morrow, for the morrow will be solicitous for itself. Sufficient for the day is the evil thereof'' (Matt., vi. 31, 34).

(b) Solicitude seeks temporal things without the moderation that reason requires, does not duly esteem the spiritual, and does not confide in Divine Providence. Without any human care God bestows upon man the gift of life itself, provides for the animals and plants, directs the whole inanimate creation, and it is therefore unreasonable to fret and fume over the temporal things of one individual as if God were unable or unwilling to see to them (Matt., vi. 25 sqq.).

**1682. Cases of Unlawful Solicitude about Temporalities.**—(a) Solicitude is sinful on account of the things sought if one makes temporal things the end of life, as when a person follows religion purely as a business matter, for the sake of the living and worldly advantages this secures.

(b) Solicitude is sinful on account of the immoderate desire of obtaining some good, when one pursues the temporal with such avidity that the spiritual is made to suffer, as when a person devotes so much time and thought to business, politics, society or science that religion is more and more set aside in his life: ''The cares of this world choked up the word'' (Matt., xiii. 22).

(c) Solicitude is sinful on account of the immoderate fear of losing a temporal good, when one is deterred from religion by the thought that fidelity to virtue means the sacrifice of the necessaries of life. Examples of this immoderate solicitude are persons who never attend church or contribute to religion, lest they lose time or money, or who practise race-suicide to escape the burden of supporting a family.

**1683. Cases of Lawful Solicitude.**—(a) When the end is a genuine temporal good, moderate solicitude is not only lawful but is a duty dictated by prudence. Thus, a man who labors industriously and who saves, spending economically for the support of himself and his dependents and the upkeep of his home and business, is prudent in the true sense of the word, provided he is not too much absorbed in money-making or too anxious about financial affairs: ''Work must be attended to, but worry must be banished'' (St. Jerome).

(b) When the end is a spiritual one, moderate solicitude is also a duty. Thus, St. Paul was solicitous for his Churches (II Cor., xi. 28), Timothy for the Philippians (Phil., ii. 20); those who have charge as almoners should be solicitous for the goods given for the poor, etc.

**1684. Cases of Unlawful Solicitude about the Future.**—(a) Solicitude is unlawful on account of the end that is intended, when one makes temporal things one's god, and is therefore perturbed about the future, as when a person has set his heart upon obtaining some honor by fair means or foul, and is restless and disturbed in mind lest it escape him.

(b) Solicitude is unlawful on account of immoderate desire, when one seeks for more than one should, as when a person who has sufficient means busies himself about too many things and deprives himself of peace and health in order to be wealthier in the future.

(c) Solicitude is unlawful on account of the unsuitability of the time, when one anticipates the season for care, as when a farmer worries during planting season about the harvest, and during harvest time about the next planting. Those who willingly occupy and disquiet themselves with forebodings of dire calamities that are uncertain (*e.g.*, the imminent destruction of the world) or of evils that cannot be prevented (*e.g.*, their death), are also guilty of sinful solicitude.

**1685. Cases of Lawful Solicitude about the Future.**—(a) When the end is a lawful temporal good, moderate solicitude about the future is good, for providence for the future is a part of prudence (see **1654**). Scripture praises the ant which gathers its food in the summer against the winter (Prov., vi. 6). Joseph stored up a reserve of grain (Gen., xii. 34 sqq.); Our Lord appointed Judas to act as treasurer for Himself and His followers (John, xii. 6); the Apostles kept for future expenses offerings made from the sale of fields (Acts, iv. 34, 35).

(b) When the end is spiritual, reasonable solicitude is also good, and this is seen in the conduct of the early Christians who gathered alms in advance that they might have the means to bestow assistance during a famine which had been predicted (Acts, xi. 27 sqq.).

**1686. False Prudence and Avarice.**—The sins of false prudence are caused chiefly by avarice. (a) They are sins in which reason plays a great part, though it is not put to a good use; and hence they do not naturally spring from carnal vices or cowardice, which obscure reason. Avarice, on the contrary, reasons much on how it may get and keep; it is shrewd, cunning, deliberate, foresighted. (b) They are sins that have recourse to stealth and secrecy, and thus are unlike pride, vainglory, and anger, which incline to display and openness. But avarice puts utility above considerations of glory or revenge, and prefers to be without fame or to bear with slights rather than lose profits.

**1687. Commandments of Prudence.**—Prudence is not expressly commanded in the Decalogue, but there are precepts concerning this virtue in other parts of Scripture.

(a) Prudence is not enjoined in the Decalogue, because the ten commandments are concerned with those ends of virtue that are manifest to all, whereas prudence is about the means to practise virtue.

(b) Prudence is commanded in many places of Scripture: "Get wisdom and with all thy possession purchase prudence" (Prov., iv. 7); "Walk in the ways of prudence" (*ibid.*, ix. 6); "Purchase prudence, for it is more precious than silver" (*ibid.*, xvi. 16); "Be ye prudent as serpents" (Matt., x. 16); "Speak the things that become sound doctrine, that the aged men be sober, chaste, prudent" (Tit., ii. 1, 2); "Be prudent and watch in prayers" (I Peter, iv. 7).

### Art. 2: THE VIRTUE OF JUSTICE

(*Summa Theologica,* II-II, qq. 57-60.)

**1688.** After prudence follows justice. This virtue regulates human actions and renders to others their due, and so it has preëminence over fortitude and temperance, which govern the passions and make man virtuous as regards his own acts only and not as regards his neighbor. The logical order, then, is that justice should precede fortitude and temperance.

**1689. Nature of Justice.**—In God justice is an attribute in virtue of which He so treats His creatures that they can have no well-founded complaint against Him: "His own justice supported Him. He put on justice as a breastplate" (Is., lix. 16, 17). In man it is goodness towards God or towards neighbors; and it is called in Scripture by various names, such as "justice," "equity," "truth," "righteousness."

(a) In a wide sense, justice signifies the general virtue of holiness, or the collection of all the virtues, as when Our Lord says: "Blessed are they that hunger and thirst after justice (*i.e.*, holiness)" (Matt., v. 6). Holiness, as a supernatural life communicated to the soul, is also called justice or justification: "The justice of God by faith of Jesus Christ, unto all and upon all them that believe in Him" (Rom., iii. 22).

(b) In a strict sense, it signifies the special moral virtue that consists in a firm purpose of the will to give to everyone his due or right: "Love justice, you that are judges of the earth" (Wis., i. 1); "If in every deed you speak justice" (Ps. lvii. 2). In its strict sense the word "justice" is hereafter used.

**1690. Definition of Right.**—Right signifies originally that which follows a straight course or does not deviate from the true standard, as in the expressions "right ahead," "to be in the right." But in moral matters right has the derived meaning of that which is good, proper, suitable; and in general it is of two kinds, *objective* and *subjective*, the former being the foundation of the latter.

(a) Objective right is that which is prescribed by law, or it is the law itself as the rule and standard of what ought to be done, especially in the relations of men towards one another. In this sense there is a twofold right, *natural* and *positive*, according as reason itself or free will imposes a law (see **286**, **296**).

(b) Subjective right is that relationship introduced between men by reason of the laws governing their conduct one to another, which gives to one an authority to exercise certain capabilities (*active* right, right properly so-called), and imposes on another the necessity of respecting that authority (*passive* right, duty).

**1691.** Right properly so called is defined as the moral power of doing or possessing something.

(a) It is a *moral power,* that is, a power created by the moral law giving one a true title and forbidding others to interfere with its enjoyment and use. It is not a physical power, for might does not make right; on the contrary, he who has moral power is sometimes hindered from exercising it by another who has physical power. Nor is it a mere legal power, or capacity to act validly and within human law, but an ethical power that enables one to act licitly before God and conscience.

(b) It is a *power to do* (*e.g.,* to labor) *or to have* (*e.g.,* to own land). The former includes also the moral power to forbear action (*e.g.,* to rest on Sunday), to require that another act (*e.g.,* pay what he owes me), or that he forbear action (*e.g.,* keep off my property); while the latter includes also the power to acquire, to use, to transfer, etc.

**1692. Divisions of Right.**—(a) By reason of its source, or of the law from which it springs, a right is either *natural* (*e.g.* the right to life, liberty, pursuit of happiness), *positive-divine* (*e.g.,* the right to receive the Sacraments), *positive-human* (*e.g.,* the right of parishioners that Mass be said for them by their pastor, the right of citizens to vote and to be voted for).

(b) By reason of its term, or of the power which it confers, a right is strict (legal) or non-strict (moral). One has a strict right when something is due one, because it is one's own by a proper and exclusive title (*e.g.,* the right to life and property). One has a non-strict right when something is due one, only because it is something common that is to be distributed and one is a deserving member of the community (*e.g.,* the right to receive an appointment from the government), or because virtue (*e.g.,* the right to receive gratitude for benefits shown) or the perfection of virtue (*e.g.,* the right to be treated with liberality or affability or friendship by others) requires it.

**1693.** Natural rights are subdivided as follows:

(a) in respect of their object, some rights are *absolute,* as being based on nature alone (*e.g.,* the right of a child to support from its parent arises from natural origin); or they are *relative,* as being based on nature in its relation to concrete and contingent facts (*e.g.,* the right of an owner to private possession of his land arises from the nature of land, which was made to serve man, and from the contingent fact that it cannot serve man as a rule without private ownership);

(b) in respect of their source, some rights are *innate,* that is, they are had from birth by the very fact of human nature (*e.g.,* the right of life in the newborn child); others are *acquired,* that is, obtained in course of time through some contingent fact. Thus, titles to goods of fortune which the owner is the first to possess (original titles) are obtained by occupation and accession; titles to goods obtained from others (derivative titles) are obtained through prescription, inheritance, contract;

(c) in respect to their firmness, some rights are *alienable,* that is, they are such as may be renounced or superseded lawfully, since they are not obligatory (*e.g.,* the right to marry, the right to drink alcohol); while others are *inalienable,* that is, not subject to renunciation or deprivation, as being obligatory (*e.g.,* the right to repel temptation, the right to serve God).

**1694. Signs by which Strict and Non-Strict Rights May Be Distinguished.**—(a) That to which one has a strict right belongs to one as one's own, and hence it must be determinate or determinable. The right of a beggar to receive some assistance from someone is not a strict right, since it cannot be urged against any particular thing or any individual person; but the right of a creditor is a strict right, since it can be urged against the debtor for a definite amount.

(b) That to which one has a strict right is owed in justice, and hence it may be enforced by legal means, or in case of need by physical force. The right of a child not to be slighted in the distribution of presents made by its parents, the right of a person who has had a falling out with another that the latter shall accept advances for a reconciliation, and the right of a benefactor that the beneficiaries show signs of gratitude, are not strict rights, because they cannot be enforced in courts of justice; but the right of a laborer against his employer is a strict right, since it can be vindicated by legal means. It should be noted that a strict right is one that is granted as a proper, exclusive and enforceable power by any law, whether natural or positive, and hence the fact that human law will not vindicate a right (*e.g.*, the right arising from a contract naturally good, but legally not defensible, the right of a parent to his child's respect) does not prove that the right is not strict.

**1695.** A strict right to have or to own is either *in re* or *ad rem.* (a) A right *in re* (real or complete right) is the right to that which one already lawfully has as one's own (*e.g.*, the right that Caius has to the wages paid him by Balbus). (b) A right *ad rem* (personal or inchoate right) is the right to that which one is entitled to obtain as one's own (*e.g.*, the right that Caius has to receive the wages promised him by Balbus).

**1696. Legal Enforcement of Strict Rights.**—(a) The right *in re* authorizes recourse to a real action (*actio in rem*), that is, to a suit against the thing itself, no matter where it be or by whom it be held, as when one sues to recover one's property through the ejectment of a wrongful possessor; for the thing is immediately and juridically bound to him who has the right, as being his own.

(b) The right *ad rem* enables one to enforce one's claim by a personal action (*actio in personam*), that is, to bring a suit against a definite person on whom one has a claim by reason of contract, domestic relationship, fiduciary position, etc., as when one sues for recovery on account of the non-fulfillment of the conditions of a compact.

**1697.** The right *in re* to property is either *perfect* or *imperfect.*

(a) A perfect right (right of full dominion) is that which enables one to exercise all the prerogatives of ownership, that is, to dispose at will of an object (*e.g.*, to sell, lend, give away, etc.), to use it (*e.g.*, to occupy a house, to make alterations in it, to tear it down, etc.), and to exclude others (*e.g.,* to put a fence about one's property to exclude the public).

(b) An imperfect right (right of partial dominion) is had when one is restricted as to the right of the disposition of one's goods, for example, when one is forbidden to sell; or when one has the right of disposition without the right of use, for example, when one is forbidden on account of the vows of religion to use property one owns (radical dominion); or when one has the right of use without the right of disposition, for example, when one is forbidden to make permanent alterations in a house one occupies as tenant (indirect or useful dominion); or when one has the other rights of ownership but lacks the right of exclusion, for example, when one may not exclude a neighbor's flock from grazing in one's pasture (ownership subject to servitude).

**1698. The Subject of Justice, or the Faculty of the Soul in Which It Exists.**—(a) Justice is not in the intellect, for we are not called just because we know a thing rightly, but because we act rightly; (b) nor is it in the sensitive appetite, since a sense faculty does not apprehend the relations between rights and duties; (c) hence, justice is in the rational appetite or will.

**1699. The Objects or Subject-Matter of Justice.**—(a) The material object of justice (*i.e.,* all those things with which it deals) is remotely the external things which are the objects of exchange and distribution among men, and proximately the actions by which they are exchanged or distributed.

(b) The formal object of justice (*i.e.,* that which it principally intends in dealing with its material object) is that the rights of others, or their inviolable moral power of doing, having or acquiring, may be respected. Justice thus differs from charity. For charity is owed also to self, justice only to the neighbor; charity considers the neighbor as he is one with self and gives him what belongs to self, while justice considers the neighbor as he is distinct from self and gives him what belongs to him.

**1700.** Since justice is shown not to self but to another, it is not so fully realized when two persons are in some sense one.

(a) Parent and child are especially one, since the child is from the parent and a part of the parent, and hence the natural obligations that spring from their special relationship pertain to the virtue of filial and paternal piety, which is not strictly justice, but obliges more strictly on account of the greater rights involved. But obligations that spring from relationships that are common (*e.g.*, from a contract between a father and his son) pertain to strict justice; for in these relationships they treat with one another, not as father and son, but as man and man. Employer and employee may also be considered as one, inasmuch as the latter is the agent or instrument of the former, and the same conclusions may therefore be applied to them.

(b) Husband and wife are less perfectly one than parent and child and than master and servant, for neither is descended from the other, and neither is servant to the other. But since they form one conjugal society and the husband is head of the wife, they owe one another stricter obligations than if they were strangers to one another, although those obligations partake less rigorously of the character of justice.

**1701. Division of Justice.**—Justice is divided according to the rights it respects into *legal* and *particular*. (a) Legal justice (observance of law) is that which is owed by the individual, whether he be ruler or subordinate, to the community of which he forms a part, or to the law and the *common good* of the entire body. (b) Particular justice (fairness) is that which is owed to the *private good* of an individual.

**1702.** Is legal justice a distinct and separate virtue, or only a general condition found in all virtues?

(a) Practically speaking, legal justice is a general virtue, inasmuch as its desire of promoting the common good will impel a man to observe all the laws and to practise other virtues than justice, such as fortitude and temperance. The law commands us to perform the actions of the courageous man, of the temperate man, of the gentle man, and hence, as Aristotle says (*Ethics*, lib. V, cap. 2), legal justice is often regarded as the supreme virtue, the summary of all virtue, more glorious than the star of eve or dawn.

(b) Essentially, it is a distinct virtue, for it alone moves a man primarily and directly to respect the rights of the common good as being that greater whole of which the individual is but a part. It differs even from patriotism and filial piety (for these are moved by one's own debt to the source of one's life) and from obedience (for legal justice seeks the welfare of the community even in things that are not commanded).

**1703. Comparison of Legal and Particular Justice.**—(a) Particular justice partakes more of the nature of justice, for there is a greater distinction or separation between the party who has an obligation and the party who has a right, when the latter is an individual, than when the latter is a whole of which the former is a part. A distinctive characteristic of justice, as said just above, is that it takes account of the independence or ''otherness'' of those between whom it exists, so much so that only in a metaphorical sense can we speak of justice when only one person and nature is in question (*e.g.*, justice between man and his soul, body, powers).

(b) Legal justice is a more perfect virtue than particular justice or filial piety, since it seeks a higher object (that is, the common good as such) and is more voluntary.

**1704.** Is the right which the community has to receive from the goods of its members one of legal or one of particular justice?

(a) The right of eminent domain (*i.e.*, the right which the State has over the goods of private persons when they are necessary for the common good) is a right of legal justice, for even without compulsion the citizen should be willing to contribute what is necessary for the community of which he is part.

(b) The right of the members of a government to receive compensation for their services is a right of particular justice, for there is an implicit contract between the rulers and the State that the former will serve the interests of the latter and that the later will pay the expenses of the former, as if both parties were private individuals (see **1708**).

**1705. Distributive and Commutative Justice.**—On account of the inequality or equality of the individuals between whom it exists, particular justice is subdivided into distributive and commutative, which are distinct species of justice.

(a) That the distinction is well-founded is proved by the fact that this justice—that is, relations towards particular persons—is either the relation of whole to part or of part to part. The former relations are governed by distributive justice, which is defined as the virtue that inclines the ruler, as the representative of the community, to portion out the public goods (*e.g.*, money, honors, offices) and burdens (*e.g.*, taxes), not according to favoritism or personal likes, but according to merits and abilities; the latter relations are governed by commutative justice, which is defined as the virtue that inclines the individual to pay to other individuals what is their due, whether the rights be personal (*e.g.*, the right to reputation) or real (*e.g.*, the right to wages or price). Commutative justice receives its name from the fact that it is oftenest called for in *commutations* (*i.e.*, in exchanges, such as buying and selling).

(b) That the distinction of particular justice into distributive and commutative is specific appears from the fact that the main characteristics of justice (*viz.*, debt owed another and equality between payment and debt) are found in each of these kinds of justice in a way proper to itself. There is a debt in commutative justice when a thing is owed another because he has an individual right to it and it is already under his dominion; there is a debt of distributive justice, when a thing is owed another because he has a community interest in it and a right that it be entrusted to him in view of his merits or abilities.

**1706.** Thus, the equality observed in commutative justice is arithmetical, or of quantity (*e.g.*, if a horse is worth $100, it is just to pay $100 for it); the equality observed in distributive justice is geometrical, or of proportion (*e.g.*, if one who had an average of 90% in a civil service examination receives a position that pays $90, it is just to give another whose average was 80% a position that pays $80). An indication of the specific difference between distributive and commutative justice is that the same individual may be just in private matters and unjust in public matters. Example: Titus, an office-holder, pays his personal debts faithfully, but he appoints only his friends, whether they be worthy or unworthy, to important honors.

**1707. Corrective Justice.**—Corrective (*i.e.*, vindicative or punitive) justice is a virtue inclining a public person or a superior, such as a ruler, magistrate, or judge, to inflict on evil-doers penalties adequate to their faults. It is not to be confused with just vengeance or retaliation, which is the virtue that moderates in a private person the desire for punishment of an offense against self, and which is not justice strictly speaking, either commutative or distributive, but only a potential part of justice (as stated below in Article 6).

(a) Thus, corrective justice is elicited by commutative justice, for a punishment is inflicted by a judge in order that there may be equality between the satisfaction made by the evil-doer and the debt owed to another on account of the offense. It aims at redressing an unfairness by taking away so much from the offender and adding so much to the party offended, that both will stand in the same position as before. If the person punished accepts the penalty in the same spirit, he also practises commutative justice.

(b) Corrective justice may be commanded by legal justice, for the judge may intend the punishment for the sake of the common good, as well as of the individual who has been injured.

**1708. Different Species of Justice in One Act.**—Different species of justice may be present in one and the same act. (a) The same act may be elicited by one kind of justice and commanded by another kind of justice (see **56 sqq.**), as in the examples given just above of vindicative justice. (b) The same act may be elicited by two kinds of justice, as when a debt is owed both in virtue of commutative and of distributive justice. Some think an example of this is found in the payment of government employees, for payment is made by distribution from common funds (distributive justice), and it is owed for services contracted for (commutative justice). But it seems more correct to say that wages for services given the community are due in commutative justice rather than in distributive justice; for in the former justice equality is between what is given and what is received, in the latter between the proportion received by one and the proportion received by another, and government salaries should be paid on the basis of value received in service (see **1704, 1755, 1757**).

**1709. The Object of Justice.**—The function of a moral virtue is to direct according to moderation all those things that are subject to the free will of man, and can be regulated by reason, namely, the actions of man and the external things of which he makes use.

(a) The actions of man can be understood either in a wide sense, so as to include both those internal affections that are accompanied by notable bodily changes (the passions, such as anger, sadness), and those actions that do not so strongly act upon the body (operations). Every virtue has for its object action in the wide sense, for virtue is defined as a habit that makes the agent good and his action good; but not every virtue has action in the strict sense for its object, since the virtues of fortitude and temperance regulate, not the operations, but the passions.

(b) Operations are of two kinds, namely, internal, by which men do not communicate with one another (such as thoughts and desires), and external, by which men communicate with one another. These latter either have to do with external things (such as land, houses, money, produce, etc.), and we then have such operations as loan, sale, lease and other contracts, or no external thing is introduced, and we have such operations as honor, praise, calumny, etc. All the moral virtues have to do with the internal operation of choice, for virtue is a good election of the will; but there is this difference between justice and the other moral virtues, that fortitude and temperance merely dispose the intellectual appetite for a good choice by the regulation they give to the sensitive appetite, while justice has for its proper act to choose well the means for moderating external operations. As for external operations themselves, these are the objects of justice, but not of the other two moral virtues.

**1710.** The purpose of the other moral virtues is to regulate man *in himself;* for the passions that are moderated by fortitude and temperance (such as fear and desire) affect primarily their subject and not other persons. The purpose of justice, on the contrary, is to regulate man *in his relations to others;* for external operations and things directly affect others, either helping or injuring them. But both the passions and external operations have effects and consequent ends that give them new relationships, and hence we may distinguish between the primary object to which a virtue tends directly, and the secondary object to which it tends only indirectly on account of the effects of the primary object.

(a) The primary object of justice is external operations and external things; the primary object of fortitude and temperance is the passions, for justice seeks the good of others, whereas fortitude and temperance seek the good of the agent.

(b) The secondary object of justice is the passions, whenever its principal object cannot be easily regulated without regulation of the passions. Thus, when lust urges to the injustice of adultery or avarice to the injustice of denial of payment due, justice calls on the virtue of temperance or liberality, as the case may be, to moderate the passion opposed to it. Similarly, the secondary object of fortitude and temperance may be external operations, whenever the effect on the subject of the principal object (*i.e.*, the passions) has reactions in reference to other persons. Thus, if fear is moderated by fortitude and desire by temperance, these virtues have external consequences, such as combat against evil, abstinence from food or drink that belongs to others; but if anger is immoderate, it may lead to unjust attack, and if desire is immoderate, it may lead to the injustice of theft of food or drink.

**1711. The Golden Mean of Virtue.**—The golden mean of virtue is not the same in all the moral virtues (see **154**).

(a) Thus, fortitude and temperance regulate the passions for the benefit of their subject, that he may avoid in them the extremes of excess and defect. Hence, the middle way they follow must be determined by reason from a consideration of the subject and his circumstances (*the mean of reason*), and so will vary with different subjects and with individual cases. Thus, in the matter of temperance it is an old saying that what is one man's meat is another man's poison. It would be absurd to say, therefore, that there is only one middle way of temperance, and that all persons must conform to the same rule as to quality and quantity of food and the time and manner of eating and drinking. On the contrary, the rule here must suit the subject, and that will be moderate which agrees with the health, appetite, duties, manner of life, etc., of the person.

(b) Justice, on the contrary, regulates external operations for the benefit, not of the subject, but of other persons whom they affect, in order that the subject in dealing with others may avoid inequality, which means excess on one side and defect on the other side. Hence, the middle way of justice is discovered by reason from a consideration of external things or acts owed to other persons (*the mean of reason and of the thing*), and so it does not vary with the circumstances of the subject. If the real value of a horse is $100—it makes no difference whether the seller be a prince or a peasant, whether the buyer be rich or poor—the just payment will be $100. Excess will be unfair to the buyer, deficiency to the seller.

**1712.** Though the mean of justice is determined, not by reference to the person who acts, but by reference to some external thing, it may be that this external thing cannot be evaluated without consideration of the person to whom justice is owed.

(a) In distributive justice this is always the case, for the mean of the thing in distributions consists in equality between relative proportions of distributions and relative merits or abilities of persons to whom distributions are made. Hence, distributive justice must consider the conditions of the person to whom it is owed as compared with the conditions of other persons, in order to observe equality by giving proper shares to all.

(b) In commutative justice, this is sometimes the case, namely, when the condition of a person who has been offended (*e.g.*, that he is a ruler) increases the debt of satisfaction that is owed him; for the mean of the thing in commutative justice is equality between the payment and the debt.

**1713.** Is observance of the mean of the thing sufficient to make an act just, no matter what may be the dispositions of the subject?

(a) If there is question of material justice, the reply is in the affirmative, for a virtue is said to be exercised materially when its mean is observed. The mean of fortitude and temperance cannot be observed without reference to the condition of the subject (*e.g.,* he is not brave who undertakes a difficult task that is beyond his strength); but the same is not true of justice (*e.g.,* he is just who pays the last penny of a debt though the payment was beyond his means and required a sacrifice).

(b) If there is question of formal justice, the reply is in the negative, for a virtue is said to be exercised formally (*i.e.,* from a virtuous habit) when the motive of the subject and the circumstances are agreeable to reason. Thus, he who performs deeds of valor purely out of vainglory exercises fortitude materially, not formally; and likewise he who pays his debts faithfully, merely in order to avoid the penalties of the law, exercises justice materially but not formally.

**1714. Comparison of Justice and the Other Virtues.**—The differences between particular justice and the other moral virtues are, therefore, the following:

(a) justice is for the good of another, the other virtues for the good of the agent himself;

(b) justice deals with external actions and things, the others with the passions;

(c) justice follows a mean of the thing, the others a mean of reason;

(d) justice is had materially without any suitability to the circumstances of the agent, not so the other virtues.

**1715.** While justice is inferior to the theological and intellectual virtues (see **156, 157, 1028**), it is superior to most of the moral virtues that perfect the sensitive or the intellectual appetite. The superiority of justice to fortitude, temperance, and the annexed virtues, such as mercy (see **1207**), is seen from the following reasons.

(a) Legal justice is greater than those other virtues, for, while they pursue the private good of their subject, it seeks the public good. "Great is the splendor of justice," says St. Ambrose (*De Officiis,* lib. I, cap. 28), "which is born for others rather than for itself, and which aids society and the community. It holds high position, that all may be subject to its judgment, that it may bestow assistance, not refuse responsibility, take upon itself the dangers of others.'' Moreover, since the law commands us to perform the actions of the courageous man, of the gentle man and of the temperate man, legal justice, as Aristotle says (*Ethics,* lib. V, cap. 2), is often regarded as the supreme virtue, the summary of all the virtues, more glorious than the star of eve or dawn.

(b) Private justice is also greater than those other virtues, since it perfects a nobler power of the soul (*viz.*, the will), and seeks the good, not only of its own possessor, but also of others. Justice too is impartial or blind as between persons, demanding satisfaction, even though a debtor be a monarch, and granting redress, even though an injured party be the humblest or most undeserving of mankind. An indication that justice is nobler than regulation of the passions is seen by Aristotle (*Ethics*, lib. V, cap. 4) in the fact that it is more difficult and rarer: ''Many people are capable of exhibiting virtue at home, but incapable of exhibiting it in relation to their neighbor. Accordingly, there seems to be good sense in the saying of Bias, that 'office will reveal a man,' for one who is in office is at once brought into relation and association with others. As then the worst of men is he who exhibits his depravity both in his own life and in relation to his friends, the best of men is he who exhibits his virtue, not in his own life only, but in relation to others; for this is a difficult task.''

**1716.** Two virtues of the sensitive appetite that appear more excellent than justice are courage and liberality, but in reality justice is nobler than they.

(a) Thus, courage seems to be better, because it is more essential to the common good in time of great danger; but in reality justice is more useful to the community, for at all times, whether in peace or in war, it is justice that preserves unity and contentment among the people and promotes courage and devotion to the public welfare.

(b) Liberality seems to be better than justice, because it gives more than is due, while justice gives only what is due. But, on the other hand, justice is of more general advantage, since of necessity liberality must be exceptional and shown only to comparatively few, while justice must be exercised continually and must be shown to all; justice is also more necessary, for one must be just in order to be liberal, and not vice versa, since no one is praised as generous unless he first pays the debts of justice; finally, although liberality gives more than is due and may thus be a greater private benefit, justice without liberality is more serviceable to the common interest than liberality without justice.

**1717.** Two virtues of the will which some authorities hold to be more important than justice are the virtues of religion and mercy.

(a) The virtue of religion has a nobler object, since it regulates the worship owed to God, while justice regulates the things owed to man; and its obligation is stricter even than that of legal justice.

(b) The virtue of mercy, which is a rational inclination of the will to relieve the suffering or misfortune of others, is held to be greater than justice, because to relieve the distress of the community or of an individual indicates greater perfection than to pay merely what is due to another.

**1718.** Virtues may be compared, not only from the viewpoint of the objective excellence which they have from their own natures (whereby they are unequal and rank according to the greatness of their objects), but also from the viewpoint of the subjective participation of them in the souls of their possessors.

(a) In a certain sense, all the virtues are equal in their possessor, since all of them alike are related to charity as their perfection (see **1118**), and all of them increase or diminish in like proportions with the growth or decline of grace, which is their root (see **745**).

(b) In a certain sense, too, the rank of the virtues may depart from the order of the dignity of their objects. For the facility and promptitude of exercise of an infused virtue does not depend formally on the infused virtue itself, but on subjective conditions, such as natural inclination or custom, or on a special gift of God (see **135, 136**); and hence it may happen that a saint shows greater excellence and enjoys greater renown in an inferior than in a superior virtue. Thus, Abraham was singular in faith, Moses in meekness, Josue in bravery, David in fervor and devotion (Ecclus., xlv–xlviii), and St. Joseph is praised as "a just man" (Matt., i. 19).

**1719. Injustice.**—Just as the word "justice" is taken in a wide sense for holiness or the collection of all the virtues, and in a strict sense for a special cardinal virtue, so likewise the word "injustice" is taken widely as a synonym for any transgression, iniquity, or sin ("He sendeth rain upon the just and the unjust," Matt., v. 45), but strictly for violation of the special virtue of justice ("Hear what the unjust judge saith," Luke, xviii. 6). It is of this latter injustice that we now speak.

**1720. Species of Injustice.**—Injustice is of two kinds. (a) Legal injustice is a special vice that moves one to despise the common good or to act against it intentionally. Thus, if one steals or overeats merely to gratify a passion for money or for food, there is a certain condition of legal injustice, inasmuch as one violates a law; but if one does these things also or solely to injure the common good, there is a special sin of legal injustice, to be declared in confession. (b) Particular injustice is a special vice against the private good of others that moves one to seek for more than is one's share, or to desire more of the benefits and less of the burdens than equality appoints. Examples: To sell above the just price or buy below the just price (commutative injustice); to show favoritism in the distribution of public offices or burdens, as when a person in authority showers public benefits on his unworthy relatives or friends, and overburdens with taxes those who are not his friends (distributive injustice).

**1721. The Theological Species of Legal and Particular Injustice.**—(a) From its nature injustice is a mortal sin, for it is an attack on a very great good, namely, the peace and security of society; the very foundations of orderly community life are shaken when injustice is done either to common or to private rights. Moreover, acts of injustice (unlike sins of mere passion), if the matter is serious, offend against charity, the life of the soul; for charity "envieth not, dealeth not perversely" (I Cor., xiii. 4); while injustice injures the neighbor and leads to hatred, quarrels, and separations. Hence, the Apostle says of injustice: "Do not err: neither adulterers, nor thieves, nor covetous, nor extortioners, shall possess the kingdom of God" (I Cor., vi. 10); and Our Lord, speaking of justice, says: "If you would enter into life, keep the commandments" (Matt., xix. 18).

(b) From want of sufficient advertence in the subject (see **173 sqq.**), or from smallness of matter in the object (see **172**), a sin of injustice may be only venial. Thus, if one takes money that belongs to another on account of vincible ignorance due to slight negligence, or if one takes only a small amount that does no serious injury, the injustice is venial.

**1722. Rule for Determining the Gravity of Sins of Injustice.**—The rule for judging whether the matter of a sin of injustice is great or small, is the quantity of injury it inflicts, or the degree of reasonable unwillingness of the offended person to suffer the injustice; for sins against the neighbor are culpable precisely on account of and in proportion to the harm they do to others. Hence, since every injustice offends either the public or private good, or both, the following acts of injustice are gravely sinful:

(a) mortal sin is committted when injury is done to a private right in a matter of such great moment that the person offended is reasonably and gravely unwilling to sanction the injustice (*e.g.*, cases of calumny, adultery, incendiarism). But if the injury itself is small and the party offended is nevertheless gravely unwilling to suffer it, only venial sin is committed against justice, but there may be a mortal sin done against charity, as when one steals a worthless trinket, knowing that the owner is so unreasonably attached to it that the loss will almost break his heart or will provoke in him violent anger, profanity, etc.;

(b) mortal sin is also committed when injury is done to a public right in a matter so important that the community is with good reason gravely averse to the commission of the injury. This happens when the common good is directly attacked, as when a citizen rebels against lawful government, or when the peace and security of the community is imperilled because of injury done to a private person, as when one steals a sum that is considerable from a wealthy person, even though the latter will not seriously feel the loss. Hence, an injury to a private person that does not seriously harm him may seriously harm the community, and be gravely sinful on account of the disastrous consequences to social order that would follow if such an injury were not gravely forbidden.

**1723. Moral Species of Legal and of Particular Injustice.**—These are distinguished according to the main classes of objects or rights that are injured or offended (see **199**). Hence, there are the following four kinds of injustice:

(a) injuries to spiritual rights or goods, whether natural or supernatural (*e.g.*, superstition, idolatry, simony);

(b) injuries to internal goods of soul (*e.g.*, lies) or of body (*e.g.*, murder, mutilation);

(c) injuries to external goods, whether incorporeal (*e.g.*, calumny) or corporeal (*e.g.*, theft, fraud).

**1724. Accidental Forms of Injustice.**—There are also many accidental forms of injustice, that is, variations that do not of themselves change the moral species (see **200**).

(a) Thus, as to its manner, injustice is done either positively, by action (*e.g.*, by stealing from an employer), or negatively, by omission (*e.g.*, by allowing another to steal from one's employer). In both cases the same kind of injustice is committed; for example, he who permits theft is just as much a thief as if he had stolen himself.

(b) As to its consequences for the injured person, injustice is either merely injurious or injurious and damaging, according as a strict right is violated without loss (*e.g.*, adultery from which no child is born), or with loss to the injured party (*e.g.*, adultery from which a child is born). The character of the sin is the same in both cases, but in the latter case restitution is due (cfr. **1199, 1200**). The loss (*damnum*) that results from violation of a strict right (*injuria*) may be in internal goods (such as salvation, life, health, sanity of mind) or in external goods (such as reputation, money, property).

(c) As to its consequences for the party who does the injury, injustice is either profitable to him (as in the case of unjust taking) or unprofitable (as in the case of unjust damage). The moral species is the same in either case, for the fact that the unjust person gains by his injustice does not make the injury greater, and the fact that he does not gain does not make the injury less.

**1725.** Injury is not suffered by one who knows and wills an act that is done contrary to his right (Rule 27 of the *Decretals*), for such a one cedes his right. Hence, if a man looks out with a smile while neighborhood boys take apples from his orchard and the latter take this as permission, no injustice, material or formal, is done. But the legal maxim needs interpretation, for the following two conditions are necessary in order that there be a surrender of right:

(a) the party who consents must be able to surrender his right, since, if he is not able to do so, his cession is invalid. Hence, one who kills a person asking for death is unjust to God and to the State; one who commits adultery with a woman whose husband gives permission is unjust to the marriage state and the lawful children; one who strikes a cleric who waived his privilege of canon (*privilegium canonis*) is unjust to the clerical state; one who takes property from a ward with the latter's consent, is unjust to the estate, since the ward has no authority to alienate it. Many of the martyrs, it is true, wished to lose their lives at the hands of persecutors, but this meant only that they consented to the will of God, not that they consented to their own murder by the tyrants, for they had not the right to give the latter dominion over their lives;

(b) the party who consents must really will to yield his right, and hence, if there is error, fraud, fear or violence, the cession is of no effect. Thus, a buyer who through ignorance takes a defective article or pays an exorbitant price, a workman who through necessity accepts less than a living wage, or a man who yields his purse to a burglar at the point of the revolver, does not surrender his rights, since true consent is wanting. Similarly, when one follows the counsel of Christ not to resist spoliation (Matt., v. 40) or when a saintly person rejoices over injury done him (Heb., x. 34), the intention is not to surrender rights to the unjust, nor to approve their conduct, but to practise heroic virtue by patience, humility, forgiveness, etc.

**1726. Internal Injustice.**—Does internal injustice (*i.e.,* the intention of injuring another) make an external action unjust?

(a) If the intention makes the external act to be a violation of a strict right, it also makes the external act unjust. Thus, to take a book from another's room is of itself an indifferent action, for there may be no violation of right (*e.g.,* when the intention is to borrow), or there may be such violation (*e.g.,* when the intention is to steal).

(b) If the intention does not make the external act a violation of strict right, even though that act be harmful to the other party, it does not make the external act unjust. Hence, if the other party has no strict right against the external act (*e.g.,* Titus sees the house of Balbus on fire, but he is not hired to take care of Balbus' property, and he gives no alarm in order that the house may burn down) or if the agent has a strict right to perform the external act (*e.g.,* Claudius, a judge, condemns Sempronius, according to law, but his chief intention is the harm he will inflict on the latter), the unjust intention does not make the external act unjust. But in these cases sin, and even grave sin, is committed against charity.

**1727. Judgment.**—Judgment, or the right determination of what is just and due to others, is the proper act of the virtue of justice, and hence Aristotle (*Ethics,* lib. V, cap. 7) declares that people take their disputes to a judge as to justice personified. Judgment is either public or private. (a) Public judgment is passed by a judge who has the authority to compel disputing parties to abide by his decisions. (b) Private judgment is passed by individuals without public authority concerning the morals or conduct of others.

**1728.** Since judgment is an act of virtue, it is lawful, and we find that both in the Old and the New Testament men have been appointed with authority to judge others. Thus, God ordered that judges be chosen in all the cities of Israel (Deut., xvi. 18); St. Paul declares that the judge is the minister of God (Rom., xiii. 4), and from Apostolic times tribunals have been set up in the Church. But certain conditions are required for moral goodness, both in those who ask for judgment and in those who pass judgment.

(a) Thus, those who seek judgment must be actuated by proper motives and must conduct themselves in a virtuous manner. Our Lord in Matt., v, teaches that it is better to suffer temporal loss rather than to contend in judgment from a motive of revenge to the prejudice of one's spiritual good, and St. Paul condemns the Corinthians because they gave scandal by reason of their lawsuits before heathen tribunals and had recourse to frauds and injuries in their litigation (I Cor., vi. 1 sqq.).

(b) Those who pass judgment must have a good intention, must proceed according to law, and must decide according to prudence. If the first condition is wanting, judgment is unjust or otherwise sinful, according as the judge chooses against the right or is merely prompted by some human motive (such as hatred, anger, vainglory, avarice); if the second condition is lacking, judgment, if public, is usurped or illegal; if the third condition is not had, judgment is rash. But it should be noted that the Church has condemned the teaching of Wicliff that office and authority are forfeited by sinners (Denzinger, 595, 597).

**1729. First Condition of Righteous Judgment.**—The first condition of righteous judgment is that the purpose of the judge be just and sincere. But is it possible for judgment to be righteous if the judge is a bad man—that is, if he is in the state of mortal sin?

(a) If the sin of the judge is public, and judgment is given against a sin of the same character (*e.g.*, if a notorious thief passes sentence on another thief), serious scandal is given; for justice is discredited and an occasion offered for criticism of authority and for lawlessness. But if the sin is not of the same character as the one condemned (*e.g.*, if a notorious thief passes sentence on a murderer), the scandal is not grave in so far as justice is concerned.

(b) If the sin is not public, it is clear that no scandal is given; and if the judge is moved by the duty of his office and by zeal for justice to condemn even the same kind of sin of which he himself is guilty, he commits no sin whatsoever in so doing (cfr. **1280**). But he is guilty of hypocrisy if he uses the opportunity to pretend a personal righteousness which he does not possess. It is this that Our Lord reprobated in the Pharisees, who, although guilty of many and grave crimes, wished to put to death an adulteress in order that they themselves might thus shine as immaculate. The words, "Let him that is without sin among you cast the first stone" (John, viii. 7), condemn hypocrisy in judges, though they do not require that a judge be free from all sin. But though sinners may act against sin as lawmakers, prosecutors, judges, jurymen, police, etc., they should be admonished by their office to reform themselves according to the words of St. Paul: "In judging another, thou condemnest thyself, for thou dost the same things which thou judgest" (Rom., ii. 1).

**1730. Second Condition.**—The second condition of righteous judgment is legality, if there is question of judgment in court.

(a) Thus, the judge must have public authority, for, just as laws cannot be made except by public authority, neither can they be interpreted except by the same authority (Rom., xiv. 4). Hence, proceedings that are not held in the proper place, at the proper time, or in the manner prescribed by law are void, and the same is true if a court has not jurisdiction over the parties or over the subject-matter in controversy.

(b) The judge must administer justice according to the law and the usual method observed in courts, since his office is to interpret, not to make law or custom (*jus dicere, non facere*). His opinions as precedents may affect the development and growth of law, and hence he is especially bound to be faithful to general principles that are binding on him. If a statute in its operation is found to impede the just disposition of controversies, judges perform a public service by indicating this to those who have authority to regulate procedure. If the application of a law would work injustice, no judge can in conscience pronounce sentence according to that law; but there are many cases recognized in jurisprudence in which courts of equity afford relief to rights that cannot be defended or protected in courts of law, and in cases of this kind the judge should be guided by recognized principles of natural justice and the rules of his court.

**1731. Third Condition.**—The third condition of righteous judgment is that the sentence or decision be prudent or well-founded. Thus, in a judicial process the facts of a case must be examined and the rules of evidence be observed in judging the meaning of the facts. Since rash judgment is a sin committed, not only externally and in public, but also and especially internally and in private conclusions formed about the character or deeds of others, and since it is one of the commonest of sins, it will be well to explain its nature somewhat fully.

(a) It is an internal sin, and so it differs from external acts against the neighbor; but calumny, detraction, and unjust sentence are its outward expressions.

(b) Rash judgment is an internal sin of decision in which something is affirmed or denied mentally about a neighbor, and so it differs from a mere representation or thought. This distinction is important for scrupulous persons who think that mere suggestions against others that flash through their minds are rash judgments. These suggestions are a very common temptation, and, if repelled, are an occasion of merit; they become sinful only when entertained with pleasure.

(c) Rash judgment is a decision unfavorable to another in matters of character or honor. Thus, it differs from favorable decisions (as when without reason one holds that another is virtuous or has extraordinary merit), and from unfavorable decisions on matters other than character or honor (as when one concludes that a neighbor is mentally or physically deficient, and these defects are not connected with depravity nor considered as ignominious), and from unfavorable decisions that relate to sin but are not personal (as when one thinks that an expression used by an ignorant man is blasphemous, but passes no judgment on the state of conscience of the man).

(d) Rash judgment is a decision that expresses conviction, and not mere supposition. Thus, it differs from the prudential attitude by which one assumes for the sake of security that a stranger is to be distrusted, since he may be dishonest.

(e) Rash judgment is a certain conviction or judgment, that is, one which holds its own view as true and certain and does not consider the opposite of its view as worthy of consideration. Thus, it differs from doubt (that is, a state in which the mind is suspended between the unfavorable view and its opposite, and does not incline to one more than the other), from suspicion (that is, a state in which the mind inclines to the unfavorable view, but does not assent to it as being either probable or certain), and from opinion (that is, a state in which the mind assents to the unfavorable view as being probably true, but admits that it may be untrue). These various forms of mental reaction were treated in **654 sqq.**

(f) Rash judgment is rash, that is, a belief based on insufficient authority, or an inference that is really groundless or not well drawn from premises. Thus, if one judges that one's neighbor is a thief, because this was told one by an honest and well-informed person, the judgment is prudent; but, if one judges this on the word of a person who is unreliable or who has no knowledge of the facts, the judgment is imprudent. Again, if one judges that it is certain that one's neighbor is a thief, because one has evidence that removes all doubt, the judgment is prudent; but if the evidence is merely probable, an opinion based on it is prudent, but a judgment based on it is imprudent. It is not rash to hold that the majority of mankind are lost, or that the present generation is not as good as the generation that preceded, if one has good reasons for such beliefs; but a sweeping and all-inclusive pessimism in such matters is unwarranted.

**1732.** The reasons for a judgment may be sufficient for something else, but insufficient for the judgment actually formed.

(a) Thus, they may be reasons sufficient for judging that one kind or degree of sin has been committed, but insufficient as regards another kind or degree of sin. For example, if one breaks the lock of another's desk, there is an argument for willful trespass, but this alone does not prove larceny or the intent to steal.

(b) They may be sufficient for doubt and insufficient for suspicion, sufficient for suspicion and insufficient for opinion, or sufficient for opinion and insufficient for judgment.

**1733. Rash Judgment.**—Opinion, suspicion, and doubt are also rash, if there is no sufficient reason to warrant them.

(a) Thus, if there are no probable reasons for an unfavorable opinion, it is rash to form such an opinion. For example, the mere fact that two men have frequent and whispered conference together does not make it likely that they are plotting evil.

(b) If there are no sufficient reasons for inclining towards an unfavorable opinion or for suspending all assent, suspicion and doubt are rash. For example, the mere fact that a man enters a house when the owners are absent is no reason to suspect him of dishonest purposes, or even to have doubts, if he is of good reputation and enters the house in daylight and in a usual way.

**1734. Sinfulness of Rash Judgment.**—Rash judgment strictly understood, then, is a firm assent of the mind, based on insufficient data, and given to the view that a neighbor is or has been guilty of sin.

(a) From its nature this sin is mortal, for it consists in a contempt for and an injury to what is regarded as one of the chief goods of man, namely, the favorable opinion of him that is entertained by others. It is denounced in Scripture as an injury to the law itself ("He that judgeth his brother judgeth the law," James, iv. 11), and as meriting condemnation ("Judge not, and you will not be judged, condemn not and you will not be condemned," Luke, vi. 37).

(b) From the imperfection of the act or from the lightness of the matter rash judgment may be only a venial sin, as when unfounded suspicions arise in the mind without advertence to their sinfulness, or when one rashly judges in some small matter (*e.g.*, that another person stole a pin or a cent).

**1735.** Rash judgment is not mortally sinful in an individual case unless the following conditions are present:

(a) there must be perfect deliberation, that is, full advertence to the judgment itself and to its sinfulness and gravity (see **175**). There is no full advertence to the sinfulness and gravity of the judgment, however, if one does not perceive at least in a confused manner that one is deciding in one's mind without sufficient reason that one's neighbor is guilty of serious sin, and is thereby doing the latter a great injury. But it is not necessary that the rash judgment continue for a considerable time, for the malice depends on the evil done, not on the length of time it has lasted;

(b) there must be serious rashness, for the sinfulness of the judgment rests on its rashness. Hence, if one judges a sin to be certain which is very probable or almost certain, there is no great imprudence and therefore no serious sin;

(c) there must be grave injury and contempt, for in these the malice of rash judgment consists. Hence, if one judges that another is a drunkard and neither the latter person nor others in the same place regard drunkenness as very dishonorable, there is no great harm done. Similarly, if one judges that some indeterminate individual of a multitude or group is a rascal, or that a stranger whom one sees on the street late at night is out on an evil errand, or that an unknown party seen from a distance is on his way to a disreputable meeting, it does not seem that there is great injury done; for one does not greatly resent lack of esteem in others to whom one is not known.

**1736. Rules on Perfect Advertence to Rashness of Judgment.**—(a) There is perfect advertence when one actually perceives that the reasons for one's unfavorable judgment are very insufficient; (b) there is perfect advertence when one virtually perceives the serious insufficiency of the reasons, that is, when one could and should perceive it, but is vincibly blind to it (see **30, 31**) on account of some passion wilfully indulged, such as hatred or envy of the person judged. In these cases one judges with negligence and precipitancy in a serious matter (see Imprudence).

**1737. Rules on Insufficiency of Reasons for Unfavorable Judgments.**—(a) Those authorities for sin are not sufficiently trustworthy whose reliability is of inferior worth (*e.g.,* because they are enemies of the person against whom they speak, or calumniators, or gossipers, or of bad reputation, etc.), or whose story does not merit the credence they claim for it (*e.g.,* because the person against whom they speak is known as upright). If both the authorities for a story and the person against whom they speak are equal in good qualities, there is sufficient reason for doubts, but nothing more.

(b) Those arguments for sin are not sufficient which create for what is concluded only a slight presumption (see **658**), that is, which offer facts that are never, or seldom, or not necessarily causes or effects or indications of sin. Thus, it is rash to judge that a mature man and woman conversing together in a dignified manner and in a public and open place are discussing obscene matters; or that a respectable person whose face is flushed, or whose hand trembles, or who slips on the street, has been imbibing too freely; or that a man climbing into a second story on a frequented highway and in broad daylight is a burglar. This rule may be expressed in other words by saying that reasons for drawing unfavorable conclusions are insufficient when in view of the circumstances and time, place, persons, deed, etc., no prudent person would consider the conclusions as warranted.

**1738. Rules on Gravity of Matter in Rash Judgments.**—(a) From the nature of the thing ascribed to the other person, only judgments that mortal sin has been committed are grave matter; for only mortal sin is in itself a grave reproach.

(b) From the circumstances of persons or acts, rash judgment of mortal sin may be only venial; for it sometimes happens that certain kinds of serious sins are not considered very ignominious in certain persons or conditions. Thus, in some places it is considered honorable for soldiers or students to have wounded adversaries in duels; some persons of a rough kind are proud of their proficiency in blasphemy or obscenity; where drunkenness is common, it is not considered as very disgraceful.

(c) From the circumstances of persons or acts, rash judgments of venial sin or of what is not sin at all may be mortal; for to those from whom much is expected slighter defects may be causes of great disgrace. Thus, it is very dishonoring to the parties concerned to think that a prelate is an habitual liar, that a nun visits too often, that a public official is illegitimate or stupid or afflicted with syphilis, and therefore unworthy of his position.

**1739. The Moral Species of the Sin of Rash Judgment.**—(a) It is a sin against justice, because it infringes the strict right of the neighbor that he be not judged guilty of evil without sufficient reason, and that he be not held worthy of contempt until he has clearly forfeited the right to respect. It is true that judgment as here taken is an internal act, and that it was said above that only external acts form the subject-matter of justice; but internal acts that are referred immediately to external acts, as concupiscence tends to lust and anger to injury, may be classed with these external acts. Hence, internal judgment naturally leads up to external judgment, and so it pertains to justice, just as the desire to steal is unjust and the desire to make restitution is just.

(b) It is a sin against charity, because it does not practise benevolence (''Charity thinketh no evil,'' I Cor., xiii. 5), and is usually associated with ill-will or envy. He who judges rashly does not love his neighbor as himself, for he does not observe the rule not to do to others what he would not have done to himself.

**1740.** The moral species of rash judgment is not changed according to the species of sin attributed to another (such as heresy, dishonesty, impurity), and these circumstances of the rash judgment need not be mentioned in confession.

**1741. The Moral Species of Rash Opinion, Suspicion and Doubt.**—Do the conclusions given above on the theological species of rash judgment apply also to rash opinion, suspicion, and doubt?

(a) Some theologians answer in the affirmative, and argue that the same grave injury and contempt of the neighbor is found in these sins as in rash judgment, and that Scripture makes no distinction between the one and the other. On the contrary, they say, murmurings, detractions, and hatreds are caused oftener by doubts, suspicions, and opinions, since firm and certain judgments are not so often formed; and moreover there is no one who would not prefer to be judged certainly guilty of fornication than to be doubted or suspected of more heinous crimes, such as incest or sodomy.

(b) Other theologians answer in the negative, and argue that suspicion and doubt do not inflict a severe harm, since they stop short of firm decision of the mind and so are incomplete injuries which diminish rather than take away the esteem due to another. But the defenders of the affirmative reply that, while opinion, suspicion and doubt are incomplete as regards assent, they are not incomplete as regards deliberation and consent, and so can be mortally sinful, as is seen in the case of doubts against faith (see **840 sqq.**).

(c) Still other theologians hold that rash opinions, suspicions and doubts are from their nature mortal sins on account of the arguments for the first opinion, but that in actual experience they are usually venial on account of the imperfection of the act (since on account of human frailty doubts, suspicions, or evil opinions of others can easily arise before they are noticed), or the lightness of the matter (for there is rarely one of these mental states without some reason that seems to be at least approximately a justification). But it seems likely that rash judgments themselves are seldom mortal sins, since the conditions for mortal sin are not often realized in them.

**1742. The Chief Reasons for Rash Conclusions about the Character of Others.**—(a) A first reason is that the person who draws the conclusion is bad himself. Evil-doers are very prone to suspect others of evil, for sin seems so delightful to them that they think others must find the same pleasure in it: "The fool when he walketh in the way, since he himself is a fool, esteemeth all men fools" (Eccles., x. 3).

(b) A second reason is that the wish is often father to the thought. Thus, if one hates or envies another or is angered against him, even trifles light as air will suffice to make one judge him guilty of sin. Just as love blinds an infatuated lover to the sins or crimes of the object of his affection, so does prejudice give a distorted vision that can see nothing but evil in the object of its dislike.

(c) A third reason for rash views unfavorable to others is long experience in dealing with human nature. Thus, old men sometimes become not merely cautious, which is reasonable, but unduly suspicious. Similarly, those who have encountered many trials or disappointments in life often become cynical and misanthropic, and to them the actions of all their fellowmen appear either evil or at least spoiled by an evil purpose.

**1743. Rash Doubts.**—Doubt about the probity of others is sinful, when there are no sufficient reason for it; for example, it would be unreasonable to suspend judgment about a man of excellent reputation because a well-known calumniator had spoken against him. But a doubt may be reasonable, as when a person has had a good reputation for honesty but a reliable witness declares that he is dishonest. In such a case should one decide for the innocence or for the guilt of the party called into doubt, or should one suspend judgment on the matter?

(a) It is not lawful to interpret reasonable doubts in a sense unfavorable to another person, for this would amount to rash judgment, since the reasons are sufficient for doubt but not for decision. Hence, it would be wrong to believe that a person of good repute was a thief, because another person of good repute said so.

(b) It is lawful to suspend judgment in case of reasonable doubts, if there is no obligation of deciding one way or the other, for in so doing one does no injury either to one's own intelligence (since the doubt is reasonable) or to the honor of another person (since, as supposed, there is no obligation of judging positively in his favor). Just as there is no duty of making acts of love of our neighbor on every occasion, neither is there a duty of deciding doubts to his advantage on every occasion, or of having any opinion about him whatever. Some authors do not admit this, but the common teaching is against them.

(c) It is not lawful to suspend judgment, but the reasonable doubt must be resolved in a favorable sense, if there is an obligation or a wish to decide one way or the other; otherwise one would decide in an unfavorable sense and be guilty of rash judgment. This is what is meant by the well-known maxim that doubts about the character of a neighbor should be settled in favor of the neighbor. Hence, if one were in serious danger of forming a rash judgment and could not otherwise overcome the temptation, a suspension of judgment should give place to favorable judgment. It is true that one may be frequently in error by thus judging well of mankind, since man is inclined to evil from his youth (Gen., viii. 21) and the number of fools is infinite (Eccles., i. 15). But it is a less evil to fall into the speculative error of taking a bad man for good than by adopting another course to fall into the practical error of becoming bad oneself by violating a law of prudence, justice and charity; and it is less harmful that many sinners should receive more credit than they deserve, than that one just man should be deprived of the good opinion that belongs to him. Pseudo-Ambrose (*Apol.* ii, *David,* c. 2, n. 5) says that those who judge others rashly often become worse by this act than the persons they judge; and St. Thomas remarks that favorable opinions of others harm no one, whereas unfavorable opinions are a wrong to innocent persons.

**1744.** The interpretation of doubts in a favorable sense does not mean that one may not take into consideration the possibility of danger or deception and use remedies or precautions. This course is not rash judgment, for even when one judges that another person is good, one knows that the judgment is possibly wrong, and therefore cannot be entirely relied on for external guidance.

(a) It is lawful, therefore, to act as if one did have a bad opinion of another when there is a possibility of harm that must be guarded against. Thus, a father may forbid his children to keep company with other children, for these latter may be corrupt; an employer may keep his money under lock and key, because servants may be dishonest; a traveller may carry weapons, because the inhabitants among whom he travels may be treacherous. Even though appearances are favorable, one may be on one's guard, for appearances are often deceptive.

(b) It is not lawful, however, to protect oneself or others in such a needlessly conspicuous or offensive manner as to sadden or defame the other party against whom one takes the precautions. Thus, it would be unjust and uncharitable to go about ostentatiously locking safes and drawers whenever a certain person appeared, for this would be equivalent to saying that he was a thief.

## Art. 3: THE SUBJECTIVE PARTS OF JUSTICE: COMMUTATIVE AND DISTRIBUTIVE JUSTICE

(*Summa Theologica,* II-II, qq. 61, 62.)

**1745. The Three Species of Justice.**—The subjective parts of a virtue are those that partake of its essence and that are the subordinate species into which it may be distinguished, as prudence is divided into individual, domestic and political (see **1639**). There are three species of justice, and their division is taken from the threefold relation that exists in a whole.

(a) Thus, legal justice directs the parts to respect the rights of the whole, and it is exercised by all those who promote the common good of a society by fulfilling well the duties which pertain to their position and rank in the society.

(b) Distributive justice regulates the whole in reference to the parts, and it is exercised by all those who seek for such a distribution of the common things of a society as accords with the inequalities of merit and ability of the members. Hence, distributive justice is found not only in the heads of a state, or family, or other body, but also in the subordinates who are content with the fair distributions made by the heads.

(c) Commutative justice orders the relations between the parts, and it is exercised by all who practise fair dealing with their equals, that is, by states with states, families with families, societies with like societies, individuals with individuals; or with those who act as their equals, as when a society acting as a moral person makes a contract with one of its members as another moral person.

**1746. Resemblance between Distributive and Commutative Justice.**—The general likeness between distributive and commutative justice may be summed up as follows:

(a) they have the same remote matter, since both alike are concerned with external things, persons or works. Thus, things such as goods of fortune may be distributed by the community to its members, or may be exchanged by individuals between them; labors to be performed may be assigned by the community or may be agreed on by private persons through contract;

(b) they have the same general form, since both alike seek to impress equality on the matter with which they deal, by rendering in these things to every one his due, and by making man's actions towards his neighbor to follow the mean of reason and of the thing (see **1711**).

**1747. The Special Differences between Distributive and Commutative Justice.**—(a) They differ in their proximate matter, that is, in the operations by which use is made of external things, persons or works; for while distributive justice acts through distribution (or division), appointment, or assignment among many, commutative justice acts through exchange, or transfer from one to another between two persons.

(b) They differ in their special form; for distributive justice seeks equality and the golden mean, according to proportion, while commutative justice seeks the same according to quantity (see **1712**).

Distributive justice does not treat parties as equals, but gives to each one according to his personal worth—to the more deserving the superior positions and high salaries, to the less deserving the inferior positions and lower salaries. Commutative justice, on the other hand, treats the parties as equal, and decrees that debts must be paid and injuries repaired, even though payment or reparation must be made by a good man to a bad man, and that the recompense must equal the difference created between the parties by the debt or the injury.

**1748. Commutations of Commutative Justice.**—There are various kinds of commutations or exchanges used by commutative justice, but they do not create new species of justice, since they are only accidental modes of the act of giving the equivalent of what one receives. They are classified as follows:

(a) involuntary commutations, which are those in which reparation is made for the use against the will of another of the things, persons, or works that pertain to him. Thus, the property of another is used unlawfully by secret theft and by open robbery; the person of another is injured by murder and wounds; the honor of another by secret calumny and detraction, by open false testimony and contumely; the rights of another to persons are used unlawfully by adultery with his wife, by seduction of his servant, and the like;

(b) voluntary commutations, which are those in which compensation is made for a benefit that one derived with the owner's consent from something that was his, or in which one gives or returns to another what is his. They include the various forms of contracts, or agreements between two parties in which the consent of both to the same proposal is externally manifested and obligation is produced to abide by the terms of agreement.

**1749. Forms of Contract.**—The chief forms of contract are the following:

(a) gratuitous contracts, which are those that confer advantage on only one of the contractants, or those in which no payment or compensation for his acts or goods is made to one party by the other party. They include unilateral contracts, which produce obligation on one side only (*e.g.*, a promise, gift, testament), and bilateral contracts, which produce obligation on both sides. The bilateral contracts are also known as bailments, or understandings whereby a thing or business is transferred from one person to another in trust, on condition that a return will be made to the owner. They include the following contracts:

loans, in which return must be made of the identical things borrowed (*commodatum*), or of a thing similar in kind (*mutuum*); deposit, in which a thing must be returned after safekeeping (*depositum*); an agency, in which one conducts the business of another with the obligation of making returns, either from express contract (*mandatum*) or from imputed agreement (*negotiorum gestio*). In *commodatum* and *mutuum* the advantage is had by the bailee, in the other three by the bailor;

(b) onerous contracts of certain event, which are those that confer an advantage on both parties, and in which the thing agreed on is certain and definite. They include contracts in which one party transfers ownership to the other (*e.g.*, buying and selling, barter, loan at interest, contracts for annuities, stocks and bonds) or useful dominion (*e.g.*, lease of property, contractor's agreement, hire of labor), and contracts in which both parties transfer rights to a moral person of which they are the members (partnership);

(c) onerous contracts of uncertain event, which are those that confer advantage on both parties, but in which the thing agreed on is contingent and uncertain. Examples are insurance, wager, gaming contracts, lottery, and stock market speculation;

(d) subsidiary contracts, which are those that are made in order to give security to principal contracts to which they are annexed or for whose sake they are made. Such are guaranty and surety, pledge and pawn, and mortgage.

**1750. The Equality Sought by Commutative Justice.**—The equality in quantity sought by commutative justice means that in involuntary transactions the offender must suffer a punishment equal to the injury he offered or must pay a recompense equal to the damage he caused, and that in voluntary transactions one must give the equal of what one receives. But this can be understood in two ways.

(a) Thus, equality may be taken for identity in species, in the sense that the same kind of thing must be taken or returned (*e.g.*, a life for a life, an eye for an eye, a tooth for a tooth). This kind of equality will do in some instances, as in cases of exchange of goods, but as a rule it would not be fair to both parties. Thus, if a subject strikes a ruler, he is not sufficiently punished if he receives the same kind of blow, for the injury to the ruler is greater on account of his office; when a man steals a cow or a sheep, he is not sufficiently punished if he restores what he took, for he would suffer no loss and the community whose peace he had offended would go without satisfaction (Exod., xxii. 1); if one gives one's cow for another's cow, or if a shoemaker trades his products for the clothes made by a tailor, the exchange may be unfair, since the thing given on one side may be better than that given on the other side.

(b) Equality may be understood as identity in value, in the sense that the thing taken or returned has the same quantity of goodness or excellence as the thing received, no matter how they differ in species. This kind of equality must be observed as a rule both in involuntary and voluntary transactions. Thus, for injury done to merchandise payment is made in money, or vice versa. If equality in value is not possible, because the good for which one owes is on a higher plane than the good which one is able to give, it seems that justice requires one to approximate equality as far as possible, and hence mayhem or defamation should be compensated for by the goods of fortune (see **1802** and **2090**).

**1751. Restitution.**—Justice not only commands that one pay or give back what is due in voluntary transactions, but also that one repair injury which one has caused in involuntary transactions. But the four acts of payment, restoration, satisfaction, and restitution must not be confused.

(a) Thus, payment is the lawful bestowal by one person on another person of something of value in return for some other thing of value. It is clear that payment differs from satisfaction and restitution, since it supposes no act of injustice done.

(b) Restoration is the return to another of his property of which one had just possession, as when a borrower gives back to the lender, or a depositee to the depositor. This also differs from satisfaction and restitution, since it is a voluntary transaction.

**1752. Differences between Satisfaction and Restitution.**—(a) They differ as to their principle or cause, since satisfaction is due for injury to honor, restitution for injury to goods by unjust detention or unjust damage. Hence, a person who has dishonored another (*e.g.*, by disrespect) is bound to satisfaction; a person who has injured another (*e.g.*, by destroying his goods) is bound to restitution; a person who has both injured and dishonored another (*e.g.*, by adding insults to robbery) is bound to restitution and satisfaction.

(b) Satisfaction and restitution differ as to their term or object, since satisfaction is chiefly concerned with the person to whom amends must be made (as by apology), while restitution is chiefly concerned with the thing which must be given back in itself or in its equivalent.

**1753. When Restitution Is Due.**—Restitution is the act by which one places another in renewed possession or ownership or chance of ownership of that which is owed to him because it is his by reason of a strict right *in re* or *ad rem;* in other words, it restores the equality that existed before an injury was done to the goods of another.

(a) Thus, restitution is not due for violation of virtues other than justice, because these virtues are not concerned with strict obligations and rights. Repentance and satisfaction are due for all sins, but they are not the same thing as restitution. Hence, one is not bound to restitution if one refused to help with alms a person in extreme need, or if, not being obliged to it by office, one neglected to extinguish a fire or to prevent a robbery. These are sins against charity, not against justice.

(b) Restitution is not due for violations of virtues that pertain to justice but do not confer strict rights, and hence it is only a violation of commutative justice that entails the obligation of restitution. Thus, if one has been surly or ungrateful, no legal right has been violated and no restitution is due.

**1754. Does Distributive Injustice Oblige to Restitution?**—(a) If only distributive injustice is committed (*e. g.*, if a parent gives his children all necessaries but shows special favor to those that are less deserving), there is no duty of restitution, for there is no strict claim to special favors. (b) If commutative injustice accompanies the distributive injustice (*e.g.*, if a ruler acts against his agreement to give the best position to the person who passes the best examination), there is a duty of restitution, for there is a strict claim to rights under contract.

**1755. Distributive Justice and the Violation of Strict Rights.**—Injustice in distribution is frequently accompanied by injustice in transaction on account of some strict right violated, and hence by reason of the latter injustice there will be a duty of restitution (see **1708, 1808**).

(a) Thus, distributive injustice is accompanied by violation of a strict right of society when an unfair distribution is contrary to agreement made with the community (*e.g.*, when one is appointed or paid especially to make fair distributions, or the law or contract expressly imposes this obligation), or when it causes harm to the community which one is bound *ex officio* to prevent (*e.g.*, when one appoints as public physician or surgeon a person who is entirely unfitted for the post).

(b) Distributive injustice is accompanied by violation of a strict right of an individual (*e.g.*, when a person undertakes to select the best statue or portrait presented in a contest, but chooses one that is inferior), or when it inflicts loss on a private person (*e.g.*, when a tax assessor requires more than is due from some persons, or an examiner admits to a school which receives only a limited number an unworthy candidate and thus excludes a worthy one, or a board rejects a worthy candidate as unworthy).

**1756. Commutative Justice and Unfair Awards of Prizes.**—Unfair awards of prizes in competitions are not violations of commutative justice unless the following conditions are present:

(a) the promise of award must be given as a contract binding in justice, for if the promisor intends only to bind himself in fidelity, the promisee obtains no strict right. Hence, an unfair distribution is not against commutative justice if a competition has not the character of a real contest or of an onerous compact to reward the person who surpasses his rivals, but is rather an opportunity to compete for the free bounty of the promisor (*e.g.*, if the organizer of an entertainment offers a prize for the prettiest baby), or an encouragement to useful industry (*e.g.*, a first prize for the best garden in a neighborhood). On the contrary, if the promise is part of an onerous contract, the promisor is bound in justice and the promisee obtains a strict right. This is the case when the competition has the character of a real contest, in which the contestants must undergo special labor, preparation, expense or trouble, etc., in order that the award be given to the most meritorious;

(b) the thing promised as subject of award must be the prize, and not merely a claim or right to be considered for the prize. Hence, if an examination is held in order that a number of worthy persons may be listed for future vacancies in offices or dignities, the person who passes as most worthy has no strict right to be given an office or dignity, but only to be considered for it.

**1757.** Has a person who passes as most worthy in an examination held in order to fill a vacant post a strict right to receive the post?

(a) According to the common opinion he has a strict right, because there is at least an implicit contract to the effect that the position will be given to the most worthy, since the examination is competitive.

(b) According to some authorities he has no strict right, because public positions are not to be regarded as rewards of merit, and the examination is not part of a contract but is only a means used by a superior to assist him in acting according to distributive justice. Nevertheless, even in this opinion an unjust award is a sin, and at times a grave sin, against distributive justice, and may accidentally be joined with commutative injustice (see **1755**).

**1758.** What should be said of a superior who would promote undeserving persons to ecclesiastical benefices?

(a) As regards guilt, it is a mortal sin to confer a benefice on one who is unworthy, or even (when there is question of a benefice to which the care of souls is attached) on one who is less worthy (see Canon 459, § 1).

(b) As regards restitution, there is an obligation of reparation to the community, when it is made to suffer loss, and of compensation to an individual who is passed over in spite of his strict right (see three preceding paragraphs).

**1759. The Obligation of Restitution.**—(a) The obligation is both of natural and divine law. Reason itself dictates that everyone should receive his due, and revelation expressly commands restitution, as when it declares that he who has injured his neighbor's field or vineyard must restore according to the damage done (Exod., xxii. 5).

(b) The obligation is both of means and of precept, for without restitution the offender does not obtain pardon from God (Ezech., xxxiii. 13 sqq.; Tob., ii. 20 sqq.). Hence, one who has seriously injured his neighbor cannot be saved unless he actually makes restitution, if he is able, or intends to make restitution when possible, if here and now he is not able to do so. A debtor who makes no effort to make restitution (*e.g.*, one who refuses to deny himself luxuries, to curtail his expenses, to leave restitution money in his will), cannot be said to have a sincere intention of fulfilling his duty. But it is not true that a person who dies in venial sin on account of restitution neglected must remain in Purgatory till all the restitution is made; for this would make the punishment depend on the negligence of the heirs or on accident.

(c) The obligation is grave if the damage (absolute or relative) and the fault were both grave, for restitution is an obligation of strict justice (see **1753**); the obligation is light if both the damage and the fault were light, for the injury then is light.

**1760. Duties of Confessors about the Obligation of Restitution.**—(a) As to confession, the penitent is obliged to mention the number of sins committed against the duty of restitution, if there have been many acts of intention not to pay (see **202 sqq.**); but as a rule those who have for a long time continued in sinful neglect of the duty of restitution have committed only one sin thereby, or else they do not apprehend their duty of mentioning the distinct internal acts, and hence confessors are advised not to question overmuch about this.

(b) As to absolution, the penitent lacks true contrition if he is under a serious obligation to make restitution and is wilfully opposed to the performance of this duty at all or at the proper time. Such a one may not be absolved. But the confessor should not admonish a penitent of the duty of restitution, if the penitent is in good faith and the admonition would only do harm. If the obligation of restitution is only light, absolution may not be refused, and prudence will often advise that no admonition about the obligation be given.

**1761.** There are a number of situations possible when damage done is grave and culpability slight.

(a) Thus, the damage may be entirely involuntary, as when the offender could not foresee it and did not wish it (*e.g.*, Sempronius commits a venial sin by speaking harshly to Claudius, whom he likes, but the latter is so depressed at this that he commits suicide). In this case there is clearly no obligation of restitution.

(b) The damage may be voluntary only interpretatively, as when the offender could not foresee it, but would have willed it had he foreseen it (*e.g.*, Sempronius is glad when he learns that Claudius committed suicide, but would be much surprised if he knew that a harsh word of his caused it). In this case according to some there is a grave duty of restitution, because internal guilt and external damage are present; but others, with greater probability, deny the duty of restitution, for the damage was not caused by the internal sin of hate, which is not effective of itself, nor by the external harsh word, which was an occasion rather than a cause (see **1447, 1763**).

(c) The damage may be voluntary directly, as when the offender wills it in itself (*e.g.*, Titus steals a considerable sum from Balbus, but he is invincibly ignorant and thinks that the wealth of Balbus makes the sin only venial), or the damage done is voluntary indirectly (*e.g.*, Caius is guilty of slight carelessness in guarding his cattle, and they get into a neighbor's garden and cause great damage to crops; Caius foresaw some damage, but he could not have foreseen the actual grave damage that was done). About these cases there are various opinions, which will be given in **1765**.

**1762. The Roots of Restitution.**—The roots or sources of restitution are usually reduced to two, according to the following two general kinds of injurious damage inflicted on others:

(a) unjust damage, which is the loss inflicted on the goods of another, without advantage to the offender, as in murder or incendiarism;

(b) unjust possession, which is the loss inflicted on another by the possession of his goods without his consent or against his will, to the advantage of the offender, as when a murderer steals from his victim, or an incendiary gets the insurance from the house he destroyed.

**1763.** Unjust damage that obliges to restitution is only an act (or omission) that is both injurious (being a guilty violation of another's strict right) and productive of loss. Hence the following conditions:

(a) the act must be *objectively* unjust, a contravention of a strict right *in re* or *ad rem* (see **1695 sqq.**), for example, stealing or keeping back the wages due an employee. But it is objectively unjust to deprive another of a non-strict right (*e.g.*, the right of a beggar to an alms) by unjust means, such as force, fraud, calumny, etc. If a neighbor is not hindered from his strict right and unfair means are not employed, there is no objective injustice (*e.g.*, when a merchant improves his place of business and thus draws away customers from a rival merchant);

(b) the act must be *efficaciously* unjust or the true cause of the loss which another suffers, for one is not responsible for what does not proceed from one's act. An act is not efficaciously unjust, therefore, if it is only the occasion of damage (*e.g.*, Titus steals and Balbus imitates him; Claudius steals, and on account of circumstantial evidence not arranged by Claudius, Sempronius is arrested and sentenced to prison), or if it is only a *conditio* *sine qua non* (*e.g.,* Caius gives whisky to Julius, not foreseeing that the latter will become drunk and commit murder), or if it is only an accidental cause (*e.g.,* Titus steals a small sum of money from a miser, and the latter, to the great surprise of Titus, becomes insane);

(c) the act must be *subjectively* unjust, that is, culpable and imputable; for one is not bound to satisfy for acts that are inculpable or not imputable (see **97 sqq.**). There must be either theological culpability, that is, the intention to harm another, which is sinful before God (*e.g.,* he who purposely sets fire to his neighbor's barn), or juridical culpability, that is, carelessness which causes injury to the legal right of another (*e.g.,* he who lights a fire near his neighbor's buildings and by his absent-mindedness permits the buildings to catch fire).

**1764. Some Causes That Remove or Diminish Theological Culpability.**—(a) Mental derangement or passion (*e.g.,* great fear or anger) may make an injurious act unintentional and so take away natural liability for restitution (see **40 sqq.**), but the civil law does not always admit the excuse, and after sentence the offender is bound to pay.

(b) According to some authorities, error about the extent of the harm that is being done, if invincible, excuses from restitution for damage that was not apprehended, as when a thief throws a gem into the ocean, thinking that it is only an imitation gem. But the offender would be held for the entire loss, if sentenced.

(c) Error about the person injured, even though invincible, probably does not excuse from restitution, if the intention was to harm a class (*e.g.,* Sempronius intends to kill Balbus, because the latter is a policeman, but by accident he kills another policeman) or an individual (*e.g.,* Caius intends to kill Titus and by mistake kills Claudius, the twin-brother of Titus).

(d) Error about the thing injured, even though invincible, probably does not excuse from restitution, if the intention was to do damage (*e.g.,* Julius puts poison in a plate in order to kill his neighbor's dog, but the cat takes the poison and is killed).

**1765. Restitution for Damages That Are Only Venially Sinful but Seriously Harmful.**—(a) When one injurious act is committed (as when through slight carelessness one sets fire to one's neighbor's chicken coop), some deny, but others affirm, the duty of restitution, while still others distinguish according to the full or only partial advertence to the sinfulness of what is done. Of those who hold for restitution, some think that all the damage should be repaired, since all was caused; but others think that it suffices to repair part, since the culpability was limited.

(b) If several injurious acts, which taken singly are slight but taken together are serious, were done to the same person (*e.g.*, a waiter breaking dishes at various times while working for the same proprietor), restitution is due as soon as the sinner realizes the amount of harm he has caused; but it is disputed whether the obligation is grave or light. If the injuries were done to different persons (*e.g.*, a boy breaking windows in many houses in the neighborhood), there is more probably only a light obligation.

**1766. Restitution on Account of Law for Damages That Are Only Juridically Culpable.**—(a) Before sentence of court there is no obligation of restitution, for it would be too heavy a burden to impose this in view of the absentmindedness of so many persons and the numerous distractions one encounters.

(b) After sentence of court there is an obligation of restitution, for the law which gives the court a right to impose it is reasonable, since juridical fault is often accompanied by theological fault, and moreover men will thus be led to a greater prudence in the care of their own goods and in respect for those of others.

**1767. Restitution on Account of Contract for Damages That Are Only Juridically Culpable.**—(a) Express contract obliges to restitution even for light fault (*i.e.*, the omission of precautions taken by the more prudent), or most light fault (*i.e.*, the omission of precautions taken by the most prudent only), or, if so stipulated, for no fault at all.

(b) Implied contract perhaps also obliges to restitution for juridical fault, for it seems that equity requires one to make good the losses caused by the absence of a care which the contract took for granted. Thus, in bailments, if the advantage is with the bailor alone (*e.g.*, gratuitous deposit), ordinary care is expected and the bailee is not held in danger to prefer the bailor's goods to his own; if the advantage is with both parties (*e.g.*, onerous deposit or loan), it seems that more than ordinary care is demanded and that usually the bailee may give preference to his own goods.

**1768. Restitution for Careless Discharge of Fiduciary Duties, as in the Case of Physicians, Lawyers, Spiritual Advisers.**—(a) If there was theological fault, restitution is due, unless the injured party took the risk upon himself. (b) If there was only juridical fault, it seems there is no natural duty of restitution, since no injustice was done; but a court may oblige to damages.

**1769. Two Cases in Which Culpability Seems Doubtful.**—(a) When one has *inculpably* done or omitted something from which damage to another can be foreseen, and one has now become aware of the danger (as when Balbus lights a fire on his own property and sees that a change of the wind makes this fire dangerous for his neighbor's barn), one must prevent the damage, if this can be done without equal or greater damage to oneself; otherwise one must make restitution.

(b) When one has *culpably* done or omitted something from which damage to another was foreseen, but has tried, though in vain, to prevent the damage after the cause was placed, restitution is due if the cause was physical (*e.g.*, Claudius gave poison to Titus, and then moved by remorse gave an antidote, but Titus died), since the party who set the cause in operation is responsible; but if the cause was moral (*e.g.*, Balbus ordered a gunman to beat up Caius, but withdrew the order, and the gunman on his own responsibility then assaulted Caius), restitution is not due when the revocation ends one's influence upon the damage that ensues.

**1770. Three Kinds of Unlawful Possessors.**—The second root of restitution mentioned above (**1762**) is unjust possession, which includes the acceptance or the retention of another person's goods against the latter's will. There are three kinds of unlawful possessors:

(a) the possessor *in good faith,* who is one that has been invincibly ignorant of the unlawfulness of his possession, but now learns his error (*e.g.,* a buyer who discovers that the horse he purchased did not belong to the seller but was stolen property);

(b) the possessor *in doubtful faith,* who is one that has serious reasons for fearing his possession is unlawful (*e.g.,* the buyer of a horse learns that the seller is known to have sold some stolen property, or that the price he charged for the horse was remarkably small);

(c) the possessor *in bad faith,* who is one that knows his possession is unjust (*e.g.,* a buyer who purchases a horse which he knew had been stolen by the seller).

**1771. Obligations of the Possessor in Good Faith in Reference to the Property Itself.**—(a) If the property is still in his keeping, he is generally obliged to return it to the owner, for a thing calls for its owner. An exception would be the case in which the possessor can not return the property to the owner without a greater loss to his own property.

(b) If the property has perished, the possessor is generally obliged or not to restitution according as he has been enriched or not by the property; for one person should not be enriched at the expense of another, but property perishes to its owner.

(c) If the property is in possession of a third party to whom the possessor transferred it, he is generally obliged or not to restitution to the third party, on the latter's dispossession, according as he has been enriched or not by the third party's goods; for if he received nothing for the goods, he is clearly bound to nothing, but if he received payment, he must indemnify the buyer who is evicted for lack of title.

**1772. Obligations of the Possessor in Good Faith in Reference to the Fruits of the Property.**—(a) He must restore the fruits of the thing itself that are in existence, for the thing fructifies to its owner. Hence, he should restore to the owner the natural fruits (*e.g.,* the fruit on the owner's trees) and the civil fruits (*e.g.*, the money received from hire of the owner's horse).

(b) He must restore the fruits of the thing itself which are not in existence, but from which he has been enriched (*e.g.*, the net profit from last year's crops which the possessor has in the bank).

(c) He is not obliged to restore the fruits of his own labor or industrial fruits (*e.g.*, the extraordinary interest derived from the owner's money through the good judgment and energy of the possessor), nor the fruits that he consumed without enrichment (*e.g.*, the vegetables he gave away or wasted).

**1773. Rights of the Possessor in Good Faith in Deducting Expenses.**—(a) He may deduct for all expenses that have benefited the owner, that is, for all the money he spent in necessary or useful ways in preserving or caring for the property.

(b) He may not deduct for expenses that have not benefited the owner, or which the owner would not have reasonably authorized, such as special beautification of the property. But he may take away such adornments added by him as can be removed without injury to the property.

**1774. Obligations of the Possessor in Bad Faith in Reference to the Property Itself.**—(a) If the property is still in his keeping, he must return it to the owner, for a thing calls for its owner. But if the actual possessor had the property from the thief and could not restore it to the owner without serious loss to himself, it is held by some that he could return it to the thief in order to recover his money.

(b) If the property has perished or restitution of it has become impossible, he must compensate the owner, even though he has not been enriched, unless the goods would have perished equally with the owner; for he is then the efficacious cause of the loss. The same principle may be applied to damages through deterioration. The civil law often holds the thief responsible, no matter how the goods perished in his hands.

(c) If the property is in possession of a third party who bought it in bad faith from the possessor in bad faith, the seller is not bound to restitution to his purchaser on the purchaser's eviction, unless there was agreement to that effect; for he who buys, knowing that there is no good title, buys at his own risk.

**1775. Obligation of the Possessor in Bad Faith in Reference to the Fruits of the Property.**—(a) He must restore the natural and civil fruits, even though the owner would not have obtained them from the thing, but he may keep the industrial fruits.

(b) He must make restitution for the profits lost and the losses suffered by the owner through the unjust deprivation of his property, for these are damages of which the possessor was the unjust and efficacious cause.

**1776. Obligations of the Possessor in Doubtful Faith Who Began Possession in Good Faith (Supervening Doubt).**—(a) If he does not culpably neglect attempts to settle his doubt, he becomes a possessor in good faith. If the doubt is settled against him, he must restore (**1771**); if the doubt continues, he may retain possession and prescribe (*i.e.*, acquire ownership through long exercise of ownership rights), for presumption favors the possessor, but he must be willing to restore, should another appear as the rightful owner.

(b) If he culpably neglects attempts to settle the doubt, he becomes a possessor in bad faith. If the doubt is settled against him, he must restore (**1800**), at least for the time during which his culpability was grave; if the doubt continues and its settlement is impossible through his fault, it seems that he should share ratably with another claimant according to the strength of the respective claims; if the doubt continues and there is no other claimant, it seems that he may act on the principle that presumption favors the possessor.

**1777. Obligations of the Possessor in Doubtful Faith Who Began in Bad Faith (Antecedent Doubt).**—(a) If the property came to the possessor in doubtful faith without legal title (*e.g.*, by violence), he has the obligations of one in bad faith, for presumption favors the former possessor.

(b) If the property came to him by legal title (*e.g.*, by gift or sale), but from a former possessor of doubtful or suspected faith (*e.g.*, one who seemed to have the property through theft), he must attempt to settle the doubt. Should the doubt nevertheless continue, some think he should divide it with another probable claimant, but others believe he may retain all.

(c) If the property came to him by legal title and from a former possessor in good faith, he must attempt to settle the doubt; but if the doubt remains in spite of his inquiries, he may retain the property in good faith, as long as matters continue in the same state.

**1778. Coöperators and Restitution.**—Restitution is owed for coöperation in injustice when the coöperator becomes at least partially an unjust and efficacious cause of damage to another. It should be noted that this coöperation may be of a limited kind, as when it extends only to the mode of the damage, or when it is not indispensable to the commission of the injury.

(a) Thus, he who coöperates only as to the mode of injury is probably liable only for that damage which he added to the substantial damage. Thus, if Balbus intended to steal $10, and Claudius persuaded him to steal $20, it seems that the influence of Claudius extended only to the amount of $10.

(b) He who coöperates, but whose assistance is not necessary, is bound to restitution as a coöperator, since he is an unjust and efficacious cause of damage. Thus, if Caius steals for Sempronius, knowing that, should he refuse, Mercurius would carry out the orders of Sempronius, the readiness to steal on the part of Mercurius does not excuse Caius or make his act any less harmful.

**1779.** Positive coöperators in injury are bound to restitution when their act is the unjust and efficacious cause of the damage. The principal cases of positive coöperation are the following:

(a) a mandator is a superior who explicitly or implicitly commands an inferior subject to commit an act of injustice, as when a father bids his son to steal. The mandator bids another to act in his name, and therefore he is the principal and not the accessory or secondary cause of injury. He must indemnify both the victim and the agent for losses he caused them; but he is not liable if he effectively recalled his mandate before the damage was done;

(b) an advisor is one who through instruction or persuasion induces another person to commit an injury which is not done in the name of or for the benefit of the advisor himself. He must make restitution both to the person whose injury he recommended and to the person to whom he gave the advice for the damages he brought upon them. Those who give wrong advice in good faith, or who recall their advice before the damage is done, are generally excused from responsibility. Bad example does not seem to be equivalent to bad advice, and he who recommends a lesser evil only because he wishes to prevent a greater one is not an efficacious cause of the lesser evil (see **1502, 1503**);

(c) an implicit advisor (*palpo*) is one who by flattery, excuse, blame, ridicule or other such indirect means leads another to commit injustice against a third party. The implicit advisor is bound to restitution for damages caused or reparation denied through his fault;

(d) a protector or encourager (*receptans*) is one who knowingly and willingly bestows upon a malefactor, as such, security or comfort, in order that the latter may do injury with greater confidence or omit restitution for evil already done. He is bound to restitution for the unjust damage or retention of property caused by him;

(e) a consenter is one who gives his vote, decision, or approval to injustice, or denies it to justice. He must recall his consent to iniquity before evil results from it, and he must make restitution for damages that depend on his conduct;

(f) a partaker in injustice is one who gives assistance in the commission of injustice, positively and physically, by sharing in the injury or in some previous or subsequent act naturally connected with it. If he is a coöperator in unjust damage, he must indemnify the injured party; if he is a coöperator in unjust retention of property, he must give back to the owner the stolen goods received by him (**1774**).

**1780.** Negative coöperators are those who by their silence or inaction permit an injury to be done or to go unrepaired. They are bound to restitution for the damages caused by them; but it seems that *per se* at least they are not bound to restitution for bribes taken by them or fines lost through their fault.

Their responsibility for damages supposes the usual conditions, namely: (a) they must be the efficacious causes of damage, and hence if their silence or inaction is involuntary, or if outcry or resistance would be useless, they are not responsible; (b) they must be unjust causes, that is, there must be an obligation to act owed by reason of strict right, contract, or implied contract. Examples are confessors who culpably neglect to give penitents needed spiritual advice, parents who permit damage to be done by their children who have not the use of reason, voters who absent themselves and thus cause damage they were bound by contract to prevent, owners of animals who sinfully permit their beasts to ravage the fields of another person, doorkeepers who allow thieves to enter a house under their charge, collectors who permit bills to go unpaid. But if the obligation is owed by reason of some other virtue than commutative justice (*e.g.,* one is bound only in charity to turn in a fire alarm when one notices a fire, if one is not the custodian of the house), one sins, and at times gravely, by inaction; but there is no duty of restitution.

**1781. The Circumstances of Restitution.**—By the *circumstances* of restitution are understood the persons by whom and to whom compensation is to be made, the things to be restored, the manner, time and place of restitution.

**1782.** The persons bound to make restitution are all those who singly or coöperatively commit injustice. But when several commit injustice together, the following kinds of causes of the injustice must be distinguished:

(a) the causes are equal when there is no subordination among the coöperators; they are unequal when one is a principal upon whom the others depend as secondary causes or instruments (*e.g.,* when one hires thieves to steal for one);

(b) the causes are considered as total causes of the injury when they are principal causes, or equal but indispensable coöperators, or conspirators; and perhaps also if they are sufficient causes (*e.g.,* Caius and Sempronius each fire at a neighbor's cow and each inflicts a mortal wound), or if the thing damaged is not divided (such as a vineyard) but undivided (such as a painting). In other causes coöperators are considered as partial causes of the injury.

**1783.** Coöperators in damage are bound to restitution either *in solidum* or *pro rata.*

(a) Thus, they are bound *in solidum* (*i.e.,* jointly and severally) for all the loss when they are total causes of the damage. But the principal cause is bound absolutely, the secondary or equal cause only conditionally, that is, the principal must pay all the restitution himself, the others must pay all only when the principal or other associates fail to do their duty.

(b) They are bound *pro rata* (*i.e.,* each one according to his share) when they are only partial causes of the damage. The obligation of restitution *in solidum* should not be imposed, if it is uncertain, or if the coöperator is in good faith and the admonition would only produce harm.

**1784.** The order of restitution among coöperators in injury is according to the priority of the obligation of one to that of another, in the sense that one is obliged to pay all and the other is obliged only in the former's default. This order of priority in obligation is in force when many coöperators are bound *in solidum* and when they coöperated in different ways (*e.g.,* one as possessor, another as advisor, another as performer, etc.). The order generally given by moralists is as follows:

(a) the possessor is bound first of all, since he has the goods of another and the goods call for their owner;

(b) the coöperators are bound next in the following order: the originator (such as a perpetrator acting in his own name, or a mandator); the perpetrator acting in the name of another; the others who aided the commission of the act (such as advisors, flatterers, etc.); those who did not prevent or resist injustice.

**1785.** The obligations of coöperators when restitution in full is made by one of their number, or when condonation of debt is made to one of their number, are as follows: (a) if restitution was due *pro rata,* the other coöperators must indemnify their associate who paid all, or must pay their shares to the injured party who gave condonation only to one of their group; (b) if restitution was due *in solidum*, payment by or condonation to a principal cause frees the secondary causes; but payment by or condonation to a secondary cause does not exempt a principal cause, and the latter is still held either to the secondary cause or to the injured party, as the case may be; payment by or condonation to an equal cause does not exempt the other equal causes.

**1786.** The person to whom restitution must be made is the person whose strict right has been violated, or, in his absence, it is society. But the following cases should be distinguished:

(a) when the injured person is known for certain and his right is certain, restitution should be made to the injured person or his representatives or successors, or, if this is not possible, to charitable or pious causes;

(b) when the injured person is entirely unknown, if the one who is the cause of the loss is in good faith, his obligations are those of a possessor in good faith; but if he is in bad faith, the common opinion is that he is bound, at least from customary law, to make restitution by giving to the poor or to religion;

(c) when the injured person is partly unknown, the person who is the cause of the loss should make restitution to the best of his ability. If the doubt extends to only a few persons (say four or five), any one of whom may be the injured person, restitution should be divided in the best way possible among these persons; if the doubt extends to many, but the injured persons were only a few, it seems that restitution may be made by giving to charity or religion either in the place of the injury or elsewhere; if the doubt extends to many, and the injured persons were many inhabitants of the locality, restitution must be made if possible to the injured parties themselves, otherwise to some public cause of the local community.

**1787. Order of Preference Among Creditors.**—The natural order of preference is to be shown to creditors when the debtor is unable to pay them all.

(a) Those who have a right *in re* (*e.g.*, those whose property is held by the debtor) have precedence over those who have only a right *ad rem* (*e.g.*, those who are creditors from contract).

(b) Creditors from onerous contract or delinquency, it is generally admitted, have priority over creditors from gratuitous contract.

(c) Creditors from delinquency and creditors from onerous contract, according to what seems to be the common opinion, are equal in rights and should be settled with *pro rata.*

(d) Debts that are certain have priority over debts that are uncertain, according to some; others deny this, but admit that the uncertain debts need be paid only in proportion to their probability.

(e) Creditors who are certain are by some preferred to creditors who are uncertain; but others think that payment to the poor, in place of the unknown creditor, is the latter's presumed will, and that it has an equal standing with debts owed to known creditors.

(f) Poor creditors have no just claim to preference over rich creditors; but charity dictates that, when the poor creditor is in distress, he should be given the preference.

(g) Earlier creditors have a preference over later creditors in a real claim, but it is disputed whether this holds also in a personal claim.

(h) The creditor who asks for a settlement sooner has a preference, if the petition is made juridically, and perhaps also if it is made privately.

**1788.** The order of preference among creditors according to civil law is generally as follows: (a) proprietary creditors (*i.e.*, those whose property is held by the debtor); (b) privileged creditors (*i.e.*, those whose debts have a special urgency, such as judicial expenses, doctors' bills, wages for hired help, living costs, etc.); (c) hypothecatory creditors (*i.e.*, those who have claims against the property of the debtor, in the form of liens, mortgages, etc.); (d) common creditors (*i.e.*, all those who are paid after the previous creditors have been satisfied).

American law contains provisions in regard to dispositions of property made during the four months before bankruptcy is filed, so as to protect the creditors of a person who is insolvent. The property of a bankrupt is placed in the hands of an assignee and allowance is made for the debtor's needs and perfected liens (*i.e.*, charges legally made upon property for debt). The property is then subject to levy by the creditors as follows: maintenance expenses, legal fees, costs of administration, wages of workmen, taxes, debts having priority under Federal or State law.

**1789. The "Thing" to Be Restored.**—(a) In case of unjust possession, the identical object must be restored, if it has an individual value; otherwise it may be restored in its equivalent. (b) In case of contract, the identical object must be restored, if that is the agreement (*e.g.*, in loan of a chattel, or deposit), otherwise it may be restored in its equivalent (*e.g.*, in loan of money).

**1790. The "Amount" of Restitution in Certain Cases.**—(a) *When an Object had Various Values during the Time of its Possession in Bad Faith.*—If the change was from an internal cause and was for the better (*e.g.*, the calf stolen by a thief has become a cow), the return must be made in the improved state; if the change was from an internal cause, and was for the worse but would have happened in any case (*e.g.*, the cow taken by the thief has become old), return must be made in the actual state; if the change was from an internal cause and for the worse, which would not have happened had the object remained with the owner (*e.g.*, a cow taken by a thief has become lame on account of the thief's carelessness), return must be made also for the deterioration. If the change was from an external cause (*e.g.*, the wine taken by a thief has risen and declined in value several times), it seems that practically nothing more can be imposed by way of restitution than the value the object had when taken.

(b) *When Unjust Damage has been Done.*—If the damage was caused positively, the injured person must be indemnified entirely; if the damage was caused negatively, the injured party should be indemnified more or less according to the reasonable expectation he had of the gain of which he was deprived.

**1791. The "Manner" of Making Restitution.**—The general rule is that it should be made in such a way that the injury will be repaired and the injured person indemnified for his loss. Generally speaking, there is freedom of choice as to various forms in the modes of restitution. Thus, it may be made publicly or secretly, directly or through an intermediary, positively (by payment) or negatively (by cancellation of a debt). It may even be made without the knowledge and intention of the parties.

(a) Thus, the injured party may be compensated, even though he is unaware that he was cheated or that he is being paid back; (b) the offender may restore, even though he does not know he is doing so (*e.g.*, if he pays while intoxicated), and probably even though he has no express intention of doing so (*e.g.*, if he makes a present of $10, and then remembers that he owed damages to the amount of $10).

**1792. Second Restitution.**—Natural law must be applied to certain cases in which restitution sent through an intermediary perishes on the way through no fault of the debtor. (a) If the debt is owed on account of possession in good faith, the debtor is not bound to a second restitution. (b) If the debt is owed on account of contract, the goods perish to the owner. Thus, if the contract was one of loan, the loss must be borne by the lender; if it was one of sale, by the seller. (c) If the debt is owed on account of delinquency, there is an obligation to a second restitution, unless the injured party assumed the risk of transmission. It is held as probable that the choice of the confessor as intermediary for restitution has the consent of the injured party, and hence that, if the restitution perishes on the way through chance or the fault of a third party, there is no duty of second restitution.

**1793. The "Time" When Restitution Must Be Made.**—(a) Internal restitution, or the purpose of restoring, must be made at once, that is, as soon as one adverts to the necessity of this resolve. (b) External restitution, or the fulfillment of the resolution, must be made at the first suitable opportunity.

**1794. Unjust Refusal to Make Restitution or Pay Bills.**—(a) Those who unjustly refuse to make restitution or to pay their bills at the proper time are guilty of mortal or venial sin according to the damage their refusal causes to the creditor. (b) They are not worthy of absolution if there is serious bad faith on their part, as when they have many times broken their promises, or when they refuse to pay even the part or installment which is within their power. (c) They are bound to additional damages for the losses caused by the unjustifiable delay.

**1795. The "Place" Where Restitution Must Be Made.**—(a) He who is a debtor on account of injury must make restitution at the place where the thing would be were it not for the injury. (b) He who is a debtor on account of possession in good faith should notify the owner where the property is, but he is not obliged to bring it to the owner. (c) He who is a debtor on account of contract must abide by the agreement, or by the statutes that regulate the contract. Thus, in this country the place of delivery in sales is according to law the seller's place of business or his residence.

**1796. Burden of Expense or Loss When Restitution Is Sent to the Place of the Creditor.**—(a) If the obligation of restitution arises from injury, the debtor is generally bound to pay the transportation and to stand the loss when the goods perish in transit. (b) If the obligation arises from contract, the expenses and losses must be borne according to the agreement. If nothing was stipulated, it seems equitable that the expenses of transportation be borne by the party who benefits or who requested the contract. According to the Sales Act in the United States, the seller is the loser when goods perish in transit, if a place of delivery had been agreed on; but the buyer is the loser when in pursuance of the contract the goods had been delivered to a carrier for transmission to the buyer (see **1888** d).

**1797. The Causes That Excuse Temporarily from Restitution.**—These causes can be reduced to two, namely, physical and moral impossibility. (a) Physical impossibility exists when the debtor has not the means to pay and cannot secure them; and it excuses as long as it continues. One who is bankrupt is excused from restitution during the continuance of his insolvency; if he later becomes able to pay, it seems to some that the civil declaration of bankruptcy according to the law of the country releases him from further payment, unless his bankruptcy was fraudulent or due to culpable neglect. (b) Moral impossibility exists when the debtor has the means, but cannot pay immediately without incurring a loss of a higher order (*e.g.,* if he pays the small sum of money, he will lose his own excellent reputation), or without suffering a greater loss in his own goods of the same order (*e.g.,* if he pays the money, he will be reduced to starvation), or without surely bringing on a far greater evil than delay of restitution to the creditor or a third party (*e.g.,* if a stolen weapon is returned to its owner, he will commit suicide or murder).

**1798. The Causes That Excuse Permanently from Restitution.**—These causes can also be reduced to two general ones, namely, the cessation of the object and the termination of the obligation through the act of the creditor, or of the debtor, or of authority.

(a) Thus, the cessation of the object releases from the duty of restitution whenever the object perishes to its owner, as when it is lost by a possessor in good faith who has not been enriched by it, or even by a possessor in bad faith, if it would have been lost equally by the owner (see **1771, 1774**).

(b) The termination of obligation through the act of the creditor occurs when the creditor freely and lawfully excused the debtor from payment. In some cases condonation may ordinarily be presumed, either on account of the affection of the creditor for the debtor (*e.g.,* in case of debts owed by children to their parents) or on account of the familiar relationship between the parties and the smallness of the debt (*e.g.,* in case of appropriation by servants or employees of some unimportant articles not kept under lock and key), or on account of the indigence of the debtor and the smallness of the damage (*e.g.*, in case of trifling harm to goods of a wealthy person, if there was no great malice and the debtor is very poor).

(c) The termination of obligation is also effected by equivalent payment, which in certain cases is made by payment of the creditor's creditor, or the cancellation of an equal debt owed the debtor by the creditor, and perhaps also by a gift made the creditor by the debtor and equal in value to the debt. Occult compensation by the creditor is the secret taking by him of what he is entitled to when the debtor will not give it of his own accord. This is lawful when the debt is certain, other means of recovery impossible, and the compensation not injurious; but it covers restitution, and hence the creditor cannot accept another payment from the debtor.

(d) The termination of obligation is also effected by the act of competent authority. Thus, judicial declaration frees from the duty of restitution a person who has lawfully and in good faith received certain goods as damages or award; prescription (see **1875**) gives a clear title to property held by adverse possession over a certain number of years, and it frees from the duty of payment, at least in certain cases (though not in the United States); papal composition for good reasons exempts from their obligation those who owe restitution to pious causes or to church property injured by them.

**1799.** Condonation of the domestic thefts of wives and children of the family cannot be presumed in all cases (see **1903**).

(a) Thus, if the things stolen are articles of food and drink (or tobacco), and were consumed by the members of the family, there is no duty of restitution, since the father or husband is then unwilling, not so much that these things should be taken, as that they should be taken furtively.

(b) If the things taken do not fall under the class of eatables and are still in the possession of the thief, they should be restored. Hence, if a son steals money from his father in order to have the means for debauchery, he must give back that money.

(c) If the things taken were not eatables, but were of great value and have been consumed or alienated, it will depend on circumstances whether restitution is obligatory or not. Thus, if the father thinks much of the son who took the money and the family does not miss it much, condonation may perhaps be taken for granted; but if the son is not on good terms with his father, or if the theft is very harmful to the family, restitution may be due.

**1800. Excuse from Restitution on Account of Doubtfulness of Obligation.**—(a) One who doubts positively and in good faith whether or not he did damage to another is excused from restitution if the doubt is about the fact of the damage (*e.g.*, whether his competitor lost business) or about his own culpability (*e.g.*, whether he circulated a calumny about his competitor); he is probably held to restitution *pro rata* of the doubt, if the doubt is about the responsibility of his culpable act for the damage that followed (*e.g.*, whether his calumny or the poorness of the competitor's wares caused the falling off in business); he is probably held to only his share, if the doubt is whether his culpable act was responsible for the whole or only a part of the damage (*e.g.*, whether his calumny caused all the damage, in view of the fact that others were also spreading calumnies).

(b) One who doubts positively and in good faith whether the restitution owed by him has been paid (*e.g.*, whether his fellows in calumny have paid their portions of restitution, whether he has paid a bill for goods or services received) is held to full payment by some, to part (*pro rata*) payment by others, to nothing by others. Some moralists think the presumption favors the creditor, others that it favors the debtor, others that it favors neither and that a compromise is the right solution.

**1801.** Doubt does not excuse restitution in the following cases: (a) when it is merely negative and the presumption is against the doubter (*e.g.*, when a person knows that he purchased and received goods, but does not know whether or not he paid for them, and has no reason to think he did pay); (b) when it is in bad faith, that is, knowingly or intentionally produced (*e.g.*, when two men simultaneously fire at a neighbor's cow, knowing that it will thus become impossible to determine the author of the damage).

**1802. Special Cases.**—There are some special cases of restitution for negative injury in thwarting another's prospects, or for positive injury to goods of fortune, of body, of soul, or of spirit.

(a) *For Frustration of Another's Good.*—Restitution is due for keeping another from a good to which he has a strict right (*e.g.*, an office to which he has been chosen, property for which he has paid), or for using force, fraud, bribes, or other unjust means to keep another from a good to which he has a non-strict right (*e.g.*, a position for which he has made application, a gift which another contemplates bestowing on him). The amount of restitution should be calculated according to the previous probability of success on the part of the injured party and the permanent results of the injury.

(b) *For Injury Done to Goods of Fortune.*—Private injuries are spoken of elsewhere (see **1762 sqq.**), and now we consider only injuries that are in some way public. Commutative injustice entailing restitution to the community is committed by damage to public property, breach of contract made with the community, unjust means employed to prevent the government from obtaining its dues, unjust coöperation in any of the aforementioned acts; commutative injustice entailing reparation to individuals is committed when the transgression of a law places an undue burden on a fellow-citizen (*e.g.*, when one unjustly escapes military or jury service and causes a substitute to be called who would not have been called otherwise, or when one unjustly evades one's taxes and thereby certainly causes the taxes of others to be raised). If a tax law is just, it obliges in conscience, but whether as penal or preceptive, whether in virtue of legal or commutative justice, is a much debated question; and hence the question of sin and of restitution due is not easily settled. Impossibility or a general and admitted custom excuse from restitution.

(c) *For Injury Done to Goods of Body or Personal Goods.*—According to one view no restitution is due for merely personal injuries, since the damage cannot be repaired by a good of the same kind as that which was taken away (*e.g.,* the murderer cannot give back life to his victim); but according to another view restitution is due for these injuries, since justice requires that every kind of damage be repaired as far as possible (see **1751** and **2090**).

**1803. Restitution for Various Kinds of Damage Done to Persons.**—(a) *For Bodily Injury by Unjust Homicide or Mutilation.*—The offender (or his heirs) is obliged to restitution to the victim (or his heirs or dependents) for spiritual loss (such as death without the Sacraments), probably for personal loss (such as pain, facial disfigurement), and for real losses due to the injury (such as hospital expenses, loss of support by the widow and orphans). The spiritual loss is compensated by spiritual goods, such as suffrages for the departed, the personal loss by compensation suited to the circumstances (*e.g.,* money, employment), the real loss by payment of medical expenses, loss of time, support lost by dependents, etc. The offender is not liable for damages of which he is not the unjust cause (*e.g.,* the alms that will be lost by poor persons on account of homicide, since they have no strict right to the alms), or the efficacious cause (*e.g.,* the pay that will be lost by creditors on account of homicide, for as a rule the slayer cannot foresee this), nor for damages which the injured person clearly condones.

(b) *For Bodily Injuries by Fornication or Adultery.*—In case of fornication the offender owes restitution to the person seduced and also at times to the latter's parents, and both sinners are bound to support their illegitimate child. The form of the compensation will depend much on circumstances, but in general it should be either marriage with the person seduced or some kind of pecuniary compensation. It should be noted that a promise to marry, even though it is canonically valid, gives no action to enforce marriage, but even an invalid engagement gives rise to action for unjust material damages, such as loss of chance to marry or loss of money spent in view of the marriage (see Canon 1017). In case of adultery the guilty party or parties are bound to make restitution to the injured husband if an illegitimate child is being reared at his expense, and also to the legitimate children for injuries to their strict rights, as in the diminished inheritance received from their parents on account of the illegitimate child. A child is not obliged to accept the word of his mother that he is illegitimate, but if he is certain about his illegitimacy, he may not take that to which he is not entitled. In restitution for fornication or adultery, care must be taken to preserve the good names of all the parties concerned.

(c) *For Injuries of Soul.*—In case of unjust and efficacious damage to physical goods (*e.g.*, when one by fraud or force administers to another drugs or intoxicants that take away the use of reason or self-control, when a professor neglects his office of teaching or teaches error), restitution is certainly due for any material damages that result, and probably for the personal injury alone. In case of damage to spiritual goods, by inducement to commit sin or by dissuasion from good, restitution is due when the influence exerted was unjust (*e.g.*, by fraud, force, threats), not when it was merely uncharitable (*e.g.*, by advice, persuasion, request, example). Restitution for spiritual damage may be made negatively, that is, by removal of the unjust influence; but if a person who was seduced has in consequence become a hardened sinner, it seems that restitution should be made positively, that is, by counsels, requests, prayers to God, and other prudent means calculated to recall the injured party to a life of virtue.

## Art. 4: THE VICES OPPOSED TO COMMUTATIVE AND DISTRIBUTIVE JUSTICE

(*Summa Theologica,* II-II, qq. 63-78.)

**1804. The Vice Opposed to Distributive Justice.**—Favoritism (*i.e.*, acceptance of persons, partiality) is defined as "a species of injustice which moves one to distribute the common goods or burdens of society, not according to merit or fitness, but according to some other and impertinent standard.

(a) The *common goods* include offices, honors, functions, while the *common burdens* include taxes, contributions, and penalties.

(b) The common goods of which we now speak are those that *belong to society* and that must be portioned out to its members justly. Hence, there is no question of goods that belong to private persons, which the owners are not obliged to give to others unless it be in virtue of charity or liberality. A rich man is not guilty of acceptance of persons, if he bestows his largesses on those who are less in need or less deserving, but more acceptable to himself; and God is not unjust when he gives unequal graces to those who are equally sinners (Matt., xx. 14, 15).

(c) The right standard of just distribution is *merit or fitness*, as when an applicant is appointed to the post of teacher or superior on account of good character and knowledge. Any other standard which leaves merit and fitness out of consideration is unjust, as when a public official selects for offices or honors, not those who have worked the hardest or who give the most promise, but those who have more money or who are related to himself.

**1805. The Sinfulness of Favoritism from Revelation.**—In Holy Scripture favoritism is reproved ("How long will you judge unjustly and accept the persons of the wicked?" Psalm lxxi. 2), and impartiality is praised ("Thou art a true speaker and teachest the way of God in truth, neither carest Thou for any man, for Thou dost not regard the person of man," Matt., xxii. 16; "Masters, know that the Lord both of servants and you is in heaven, and there is no respect of persons with Him," Eph., vi. 9).

Distributive justice is commanded in many passages of Holy Writ ("Consider not the person of the poor, nor honor the countenance of the mighty; but judge thy neighbor according to justice," Levit. xix. 15; "There shall be no difference of persons, you shall hear the little as well as the great, neither shall you respect any man's person," Deut., i. 17; "Thou shalt not accept persons nor gifts," Deut., xvi. 19; cfr. James, ii. 1 sqq.).

**1806. The Sinfulness of Favoritism from Reason.**—Favoritism transgresses a divine command and substitutes personal will for right in the treatment of subjects by superiors. Hence, it is morally evil, for disobedience is sinful in the high as well as in the low, and violation of rights is unjust whether the rights be of the community or of the individual.

**1807. The Gravity of the Sin of Favoritism.**—(a) From its nature, favoritism is a mortal sin; for it is a form of injustice (see **1746**), and indeed it is no less damaging than commutative injustice (*e.g.,* theft) and is often accompanied by the latter. (b) From its matter and from the lack of deliberation or consent it may be venial. Thus, if favoritism is shown in a trifling matter (*e.g.,* in conferring a post that is unremunerative and unimportant) or in a small degree (*e.g.,* in preferring an applicant who is only slightly less worthy), there is only venial injustice.

**1808.** Distributive injustice is also frequently accompanied by commutative injustice.

(a) Thus, a first class of common goods that are distributed are those intended primarily for the common good, and only indirectly and secondarily for the good of individuals, such as public offices, dignities, and benefices. He who distributes these offices unfairly, by appointing unworthy persons, or by appointing the less worthy when he is under contract to appoint the more worthy, violates commutative justice and is held to restitution to the community; but the worthy or more worthy persons slighted had no strict right, and hence no restitution is due them, unless there was a compact with them or unjust means were used to exclude them (see **1755**).

(b) A second class of common goods are those that are intended primarily for the benefit of individuals, such as a fund created for the relief of the destitute or afflicted or pensions set aside for those who have deserved well of society. He who distributes these goods unfairly is guilty of commutative injustice against private persons, since the goods were destined for them, and they had a right *ad rem* to the goods, and hence to these persons restitution is owed.

**1809. Favoritism in Spiritual Matters.**—(a) Partiality in granting favors is sinful, and gravely so when the matter is serious. Examples are the grant to the unworthy of the power of Orders or of jurisdiction, the concession of permissions and dispensations to one's friends that are denied to others. (b) Partiality in imposing burdens is also sinful, as when a prelate issues an onerous command, and grants exemption to his friends. But if the thing commanded is obligatory already by reason of law, it should be observed in spite of the favoritism of the prelate.

**1810.** Who is to be considered as more worthy for appointments in spiritual matters?

(a) The more worthy person is the one who will better serve the common good in the office. Hence, the more pious or the more learned man is not necessarily the more worthy, for another may have greater industry, influence, executive ability, initiative, prudence, experience, etc., and so be better suited to fill the position. But no person should be considered as worthy of spiritual offices unless his moral character is good, and excellence in temporal things does not compensate for negligence in spiritual matters.

(b) The more worthy person is the one who is more available when the appointment has to be made. Hence, the one who is better gifted for the office is not necessarily the more worthy, for another may be better known and it may be impossible to make investigations and comparisons at the moment.

**1811. Opinion of the Applicant or Appointee about His Own Fitness.**—(a) The applicant need not think that he is worthy or the most worthy; indeed, according to St. Thomas, it would be presumptuous for him to think so highly of himself, and he would thus become unworthy. It suffices, then, that the applicant have in mind only to try for the office, leaving the decision about fitness to the examiner or appointer.

(b) The acceptor who feels that he is unworthy or less worthy is not guilty of injustice; for he is not the judge of his own abilities and may rely on the judgment of those who appoint him. Moreover, he can trust to divine grace and his own efforts to make up for any deficiency or inferiority of which he is conscious. But it seems that, if the appointee were absolutely certain that his appointment was unjust, he would be bound to surrender his office, if this were possible.

**1812. Favoritism in Secular Matters.**—Do the conclusions in reference to ecclesiastical offices apply also to secular offices?

(a) In both cases distributive justice is violated by favoritism, for the standard followed is not merit or fitness, and thus the more worthy persons are injured. The opinion that civil society has dominion of public offices and therefore the right to distribute them at will, without regard to the merits or fitness of persons selected, is not probable; for civil rulers, like spiritual rulers, should consider themselves as ministers and dispensers only (I Cor., iv. 1), and even if they had dominion over offices, they would be bound to use that power for the benefit of the public for whom they rule.

(b) In both cases also commutative justice is violated in some instances, the offense being either against society or against individuals (see **1755, 1808**). Thus, an official who appoints a subordinate knowing that he will oppress and rob, is responsible and bound to restitution to the victims as being a coöperator in injustice.

**1813. Favoritism in Marks of Esteem or Honor Shown to Others.**—(a) There is no favoritism if honor and esteem are shown to those who deserve it on account of their virtue or position. Hence, it is not unjust but just to show special marks of veneration to holy persons, and even to those who are not holy, but whose authority or age deserves respect (such as rulers and prelates, parents and aged men).

(b) There is favoritism if honor and esteem are shown to those who have no genuine claim to it on account of goodness or rank. Thus, wealthy men are worthy of special respect on account of goodness when they employ their riches in useful ways, or on account of preëminence in the community in rank, ability, influence, etc., and he who shows special courtesy or attention to the wealthy for reasons such as these is not a respector of persons. But if mere wealth is worshipped, sinful favoritism is shown, as when a villainous rich man is honored and a worthy poor man is despised, or well-dressed persons are conducted honorably to comfortable seats in church and good persons whose attire is poor are treated with contempt (James, ii).

**1814. Favoritism in Judges (Umpires, Arbitrators) and the Like.**—(a) In the course of a trial there may be favoritism in matters left to the judge's discretion. This does not happen, however, when the discretionary power is intended for the judge's own benefit (*e.g.,* when on a free day he decides to hear one side rather than the other), but when it is meant for the benefit of the litigants (*e.g.,* when he grants to one side a longer time for preparation of its case than to the other side and for no reason pertinent to the matter at issue).

(b) In the sentence pronounced there is favoritism, if the decision is not based on the merits of the litigants, but on extraneous considerations, such as the fact that one of the parties is a friend or relative of the judge or arbitrator, or belongs to the same political party or business, etc.: "It is not good to accept the person of the wicked, to decline from the truth of judgment" (Prov., xviii. 5). If the arguments are about evenly balanced on both sides, it would be favoritism to decide in favor of one against the other. Alexander VII condemned the proposition that a judge may take money in such a case of doubt to decide for one party.

**1815. The Vices against Commutative Justice.**—These vices can be classified under two general heads:

(a) the vices committed in involuntary commutations (see **1748**), which include deeds against the person (such as homicide, mutilation, imprisonment) and against property (such as theft and rapine), and unjust words, whether spoken during judicial process (by judges, advocates, witnesses, etc.), or outside of judicial process (such as contumely, detraction, etc.);

(b) vices committed in voluntary commutations (see **1748**), which include fraud and usury.

**1816. Homicide.**—Life destroyed is either that of an irrational being (*i.e.,* of a plant or beast) or of a rational being. In the latter case we have homicide, which is defined as follows: "an act or omission of a human being that is the efficacious cause (see **1763**) of the death of a human being." A parent who denies his child the food, remedies or climate which it needs and which he can afford commits homicide by omission; a physician who practises abortion commits homicide by act. The following distinctions of homicide have a bearing on its substantial morality (*i.e.*, its lawfulness or unlawfulness):

(a) in reference to the intention, homicide is either voluntary or involuntary, and voluntary homicide is intended either as a punishment or as a defense;

(b) in reference to the slayer, homicide is either the act of a public or of a private person, of a cleric or of a layman;

(c) in reference to the person slain, homicide is either the killing of one who is guilty or of one who is innocent, either the killing of a neighbor or of self (suicide);

(d) in reference to the manner, homicide is either direct or indirect, according as the action from which death results is from its nature (*finis operis*) productive of death or of some other effect. Thus, it is directly homicidal to practise embryotomy (*i.e.*, the destruction of the vital organs of a fetus) or abortion (*i.e.*, the ejection of a fetus at a stage of development when it is unable to live outside the mother), but it is not directly homicidal to give a pregnant woman remedies necessary for her life, although harmful to the fetus; for the object or purpose of the former is to kill, of the latter to cure.

**1817.** Other distinctions of homicide have a bearing on its added or accidental malice.

(a) A new species of sin is added to that of injustice when other virtues are offended against. Thus, the virtue of piety is violated when the victim is a person to whom the slayer owed special respect and devotedness, as in parricide, regicide, fratricide, uxoricide; the virtue of religion is offended when murder is committed in a church.

(b) An aggravating circumstance is added by the greater deliberation with which the homicide is planned, or the greater treachery or cruelty with which it is executed (*e.g.*, assassination, death by starvation). Some circumstances, however, may be morally indifferent, such as the fact that the victim is killed by one kind of poison rather than another.

**1818. The Killing of Animals (or Vegetation).**—(a) In itself, the killing of animals is not sinful; for animals are made for the use of man. Hence, it is lawful to kill, not only harmful animals, such as those that prey on human beings or breed pestilence or destroy property, etc., but also other animals, when their death is necessary for some good purpose, such as the provision of food, clothing or medicine for man.

(b) In its circumstances, the killing of animals may be sinful, and even gravely sinful, as when one kills the animals of one's neighbor (Exod., xxii. 10, 11), or hunts against the law, or injures society by prodigal destruction of animal or plant life, or kills animals in cruel ways. The skinning of animals alive, in order to secure finer-looking furs to satisfy the vanity of women, is an inhuman barbarism of the worst type that should be reprobated by everybody.

**1819. When Homicide Is Lawful.**—Killing of human beings is lawful in two cases. (a) It is lawful when the common safety requires that the State inflict death for a crime (capital punishment); for just as it is lawful to amputate a gangrenous member which threatens to destroy the body, so is it lawful to remove from human society by death an individual who menaces the safety of the community. (b) It is lawful when the safety of an individual demands that he kill an unjust aggressor (self-defense); for a man owes his first duty to his own life in such a case, and the aggressor in making a deadly attack voluntarily assumes the risk of being killed. It is more correct, however, to say here that it is lawful to defend one's life with resultant death to the offender (as will be explained below, in **1826, 1828, 1834**).

**1820. Arguments for the Lawfulness of Capital Punishment.**—(a) *Scripture.*—In the Old Testament the death sentence was prescribed for certain more serious crimes, such as murder ("Whosoever shall shed man's blood, his blood shall be shed," Gen., ix. 6); in the New Testament Our Lord recognizes that the power of a judge to sentence to death comes from above (John, xix. 10), and St. Paul declares that princes do not wield the sword without reason, but act as ministers of God when they punish evil-doers (Rom., xiii. 4).

(b) *Tradition.*—The Church has always taught the lawfulness of capital punishment and rejected contrary errors, as in the case of the Waldensians condemned by Innocent III.

(c) *Reason.*—The State has both the duty and the right to promote the common good and to defend it against its enemies, whether by war against external foes or by coercive measures against internal disturbers of the peace. Now, the experience of all the centuries and of all countries has shown that, generally speaking, the lives of law-abiding persons and the general peace are not sufficiently protected unless the supreme penalty be appointed for certain crimes.

**1821.** Though lawful, capital punishment is not always necessary; for it is a means to an end, and it may be omitted, therefore, when the end can be obtained by the use of other and less severe means.

(a) Thus, a general suspension of the capital punishment is lawful in a community whose members are peaceful and not inclined to violence or other crimes subversive of law and order. Whether such ideal conditions exist today may be doubted, and indeed some countries that abolished the death penalty have found that this proved an incentive to crime and they were forced to restore the former laws.

(b) A particular exemption from capital punishment is lawful, when there are good reasons recognized by law for commutation or clemency. This has been the practice of governments throughout history, and is justified when it furthers the common welfare, or at least shows mercy to a deserving individual without harm to society. But a judge has to condemn when the law and the facts call for condemnation, and the authority in whom the pardoning power is vested has to use his power prudently, lest he encourage lawlessness.

**1822.** It is not morally lawful to put criminals to death unless the following conditions are present:

(a) the crime must be external and of such a character that the public welfare requires the supreme punishment, either on account of the enormity of the act (*e.g.,* murder), or on account of its danger (*e.g.,* sleeping at one's post in time of war). Further, the crime must be certain and sufficiently established, for, since the punishment should fit the offense and the law presumes innocence until guilt is proved, no one should be sentenced to death except for a serious and certain crime. The Fifth Amendment to the American Constitution declares that no person shall be deprived of life, liberty or property without due process of law;

(b) the sentence of death and its execution should be performed by those who have public authority for these acts and in the manner required by law. For capital punishment is a means of self-defense used by society, and its use pertains therefore to the representatives of society. Moreover, if private individuals exercised this function, accused persons would not receive the consideration of their rights or the opportunity of defense due them, and the public peace would be overthrown by murders of revenge committed in the name of justice;

(c) the penalty should be carried out in a humane and Christian manner, as is manifest. The convicted man should be allowed time and opportunity to make his peace with God and, if possible, to say farewell to relatives. Slow and agonizing forms of killing are of course entirely wrong, no matter how wicked the criminal who is being executed. The American law and other laws do not permit a pregnant woman to be executed until she has delivered her child.

**1823. Unlawful Killing of Offenders.**—The killing of offenders is, therefore, unlawful in the following cases:

(a) when the offense is not serious or fully deliberate (*e.g.,* involuntary manslaughter), or when it has not been sufficiently established (*e.g.,* if it is not certain that the supposed victim of murder is dead or that he died from a homicidal act). In civilized countries today the law inflicts capital punishment only for the most serious crimes, and the State has to prove its case beyond reasonable doubt before the punishment can be decreed. But in the past death was often the penalty for horse- or sheep-stealing, or even smaller offenses, and in times of excitement men have sometimes been sentenced to death without a fair trial;

(b) when the sentence of death is not pronounced or executed legally. Those who lynch the perpetrators of heinous crimes are often in good faith, especially if the processes of the law are too slow or uncertain, but since they act without authority, their deed is really murder. The same is true of a husband who kills his wife taken in adultery, of the relative of a seduced girl who kills the seducer, of an officer of the law who unnecessarily or without authorization kills a man sentenced to death when the latter is trying to escape. The State has the right, though, to declare a notorious malefactor outlawed, and thus to give to private citizens the right to take him dead or alive, or to kill him on sight; but it is clear that the exercise of this right is a dangerous remedy and one to be used sparingly;

(c) when the mode of killing or the circumstances are repugnant to Christian feeling. Today capital punishment is generally inflicted in a humane manner, but history records many cruel forms of execution, as when men were hanged, drawn and quartered, or burned at the stake, or put to death amid the jeers and curses of the populace.

**1824. Is Tyrannicide Lawful?**—(a) If the ruler is a tyrant in act (that is, one who has a lawful title to rule but who abuses his authority), it is not lawful to kill him on account of his misdeeds or crimes, since the subject has not the authority to act in the name of the nation (Rom., xiii. 1 sqq.; I Peter, ii. 18). In case of self-defense, however, as when the tyrant unjustly makes a personal attempt on the life of a citizen, the latter has the right to kill. The Council of Constance condemned the doctrine of Wycliff that every subject has the right to assassinate a tyrannical prince, a doctrine that would make the position of every ruler unsafe, since there are always persons who think they are victims of persecution. The nation, however, has the right to depose or even to execute a wicked ruler, for government is given to rulers for the benefit, not for the destruction, of the common good.

(b) If the ruler is a tyrant in title (that is, a usurper), it is not lawful to kill him, when he has already obtained peaceful possession; for here again it cannot be said that the killer would have the authorization of the nation. If, however, the tyrant has not obtained possession but is struggling for it, his status will not be that of ruler but of public enemy, and it will be lawful to kill him as an act of war, provided the conditions of a just war are present (see **1384**).

**1825. Judges and Executioners in Canon Law.**—According to the law of the Church (Canon 984, nn. 6, 7), those who pass the death sentence as judges and the executioners and their immediate and voluntary helpers become irregular (*i.e.*, incapable of lawfully receiving Orders or of exercising their powers). The reasons for this ancient discipline are chiefly two:

(a) clerics are the ministers of Christ, and therefore they should be like their High Priest, whose sacrifice they offer at the altar. Now Christ "when He was reviled, did not revile, when He suffered, He threatened not, but delivered Himself to him that judged Him unjustly" (I Peter, ii. 23). Hence, it is unbecoming that clerics should condemn to death or kill their fellow-men, even criminals;

(b) clerics are the ministers of the New Testament, and therefore they should conform themselves to its spirit of mildness. The divine law itself declares that a bishop should not have private quarrels or inflict blows (I Tim., iii. 3), but the church law goes further and declares that a cleric should not even act as public judge or executioner in capital cases. The Old Testament inflicted corporal punishments and death, and hence we read that its priests and levites put sinners to death with their own hands (Exod., xxxii. 28; Num., xxv. 7, 8; I Kings, xv. 33; III Kings, xviii. 40; I Mach., ii. 24), but the law of Christ contains no sentences of death or of bodily chastisement.

**1826. The Right of Self-Defense.**—The second case of lawful homicide mentioned above (**1819**) is the killing of an unjust aggressor, not intended by the slayer, but consequent on his defense of his life against the aggressor. This right of self-defense is granted by natural law itself, and has been denied by but few moralists.

(a) Thus, nature inclines man to prefer his own life to that of another, other things being equal, and therefore it authorizes him to defend his life even at the cost of an aggressor's life. Even the brute animals are armed by nature to defend themselves against attack.

(b) The natural law also permits one to perform an act from which two effects will follow, one good and the other bad, provided the good effect alone is intended and there is a sufficient reason for permitting the evil effect (see **104**). In the present case the killing of the aggressor is an evil, while the protection of the innocent party is a good; but it is only the protection that is intended, and the killing is not an extreme measure in view of the greatness of the good that is at stake.

**1827.** The right of self-defense is also sanctioned by human laws. (a) Thus, church law recognizes this right in the words of Innocent III: "All laws permit one to repel force by force, but the defense must not be immoderate, nor exercised from desire of revenge." According to the Code (Canon 985, n. 4) irregularity arises from voluntary homicide, but this does not include the case of lawful self-defense, although a provisional dispensation must be asked for. A cleric has the right of self-defense, as well as a layman. (b) Civil law also has always admitted the right of a person assailed by another to defend himself, even by killing the assailant, if there is no other alternative.

**1828. Conditions for the Exercise of This Right.**—(a) The assault must be a true aggression (*i.e.*, an act of violence threatening the life of the person assaulted) and unjust (*i.e.*, an attack made without public authority); (b) the resistance must be true self-defense (*i.e.*, an act used to ward off attack or to make the assailant powerless) and moderate (*i.e.*, the person attacked must not use more force than necessary and he must not intend to kill the assailant).

**1829.** The person who is killed must be a true aggressor, for otherwise the slayer is himself the aggressor and guilty of unjustifiable homicide. Killing is therefore unjust in the following cases:

(a) when the opponent is not using true violence, as when he merely prays and hopes that you may die or be killed;

(b) when he is not using actual violence, as when he is disarmed or helpless, or when he has only threatened to kill you in the future, or to bring you to the gallows by his testimony or vote.

**1830.** Must one wait, then, until the aggressor has actually attacked, before using self-defense? (a) One need not wait until physical aggression has started (*e.g.*, until the adversary has fired a shot or struck a blow); otherwise self-defense would very often be futile. (b) One should wait until moral aggression has been shown before proceeding to defense; that is, the other party must perform some external act which according to the judgment of a prudent person at the time and place is one with the act of physical aggression, as when an angry man reaches for a gun or knife, or a desperado advances in a threatening manner.

**1831.** The aggression must also be unjust or contrary to the right of the person attacked. (a) Thus, if the aggression is just, it is not lawful to kill the aggressor. Hence, it is not lawful to kill an officer of the law who is making an arrest, or guarding a prisoner, or leading him to execution. (b) If the aggression is not just, self-defense is lawful. It makes no difference whether the aggression is formally unjust (*e.g.*, when the aggressor attacks you because he wishes to wreak revenge, or because he fears you), or only materially unjust (*e.g.*, when you are a stranger to the aggressor, but he is drunk, or a dope fiend, or a maniac). Similarly, a son may defend himself against his parent, a subject against his superior, a layman against a cleric, an adulterer against the injured husband, a calumniator against the person calumniated; for authority or personal injury suffered does not give these persons the right to inflict by private authority the punishment of death.

**1832.** Self-defense must be merely a protection of self against future evil and not a punishment of the aggressor for past attacks, for capital punishment belongs to society, not to private persons. Hence, if an aggressor has taken to flight, or has been disarmed, or knocked senseless, or has begged for mercy, it is not permissible to kill him.

**1833.** Self-defense must be moderate, for injury or the death of a human being is a thing that should be avoided when possible. (a) Thus, the person attacked must not reply with force at all, if this is possible. He should escape, or call a policeman, or throw the weapon out of the window, etc., if these means will suffice. Some authors excuse from flight those who would suffer disgrace if they ran away from danger, such as those who are pugilists or professional fighting men. (b) The person attacked should use only such force as is necessary, if force must be employed. Thus, if the aggressor can be made helpless by the use of gas, permanent bodily harm should not be done him; if he can be subdued with the fists, knife or pistol wounds should not be resorted to; if wounds will suffice to hold him at bay (*e.g.*, by blackjacking), killing should not be resorted to. In the heat of a fight, however, the person assailed sometimes unintentionally goes beyond what moderation requires.

**1834.** The intention of the person who uses force to repel an unjust aggressor must be good. (a) Thus, as his end he must intend only the preservation of his own life and look upon the death of his neighbor as a misfortune. (b) As the means to this end he must intend only to stop the attack that is being made, not to bring on the death of the aggressor. Those who are commissioned by public authority to put a human being to death (*e.g.*, the public executioner or soldiers in time of war) may intend these homicides, since they are means to the common good; but the death of one private person is not a means to the good of another private person, and hence it should not be directly aimed at.

**1835.** The mind of the person who defends himself against the unjust aggressor must also be free from sinful dispositions, such as hatred and revenge; otherwise he sins against charity. Our Lord reprobated the teaching of the Scribes that it is lawful to return injury for injury in a revengeful spirit, and declared that one should prefer to receive a second blow rather than return a blow for the sake of revenge (Matt., v. 38 sqq.; cfr. also Rom., xii. 19).

**1836. When Self-Defense Is Obligatory.**—Self-defense is sometimes an obligation. (a) Thus, it is an obligation, if the only factors considered are the life of the guilty aggressor and the life of the innocent person who is assailed; for the life of the innocent should not be sacrificed for the guilty, and charity indicates that the first duty of the person attacked is to himself. (b) It is an obligation, if, on account of circumstances, the person attacked owes it to others to preserve his life—for example, if he is the father of a dependent family, or a public official whose life is very necessary for the welfare of the community, or whose office it is to resist those who menace public security. This is true from the viewpoint of society also, for the world needs the good men it has, while there are too many wicked men already.

**1837.** Sometimes self-defense is not obligatory. (a) Thus, it is merely optional, when no duty to others commands self-defense and a divine counsel invites one to omit it (see **1169**). Hence, if the assailant is certainly in mortal sin, while the person assailed is certainly in the state of grace, it would be very commendable to die rather than kill the assailant, in order to grant him time for repentance. But a case of this kind is rather theoretical than practical, for how could one be sure that the assailant would profit by the opportunity allowed him of doing penance? At any rate, the sacrifice is optional, for the aggressor is either formally unjust, and hence not in extreme spiritual need, or only materially unjust, and it will be uncertain whether he is in spiritual need or whether, if he is in such need, the respite will be used by him (see **1165 sqq.**). (b) Self-defense is unlawful according to some, if the life of the assailant is necessary for the common good, and the life of the person assailed is not necessary. But this would be a very rare case.

**1838. Defense of Neighbor's Life.**—The principles on defense of one's own life against an unjust aggressor, even at cost of the latter's life, may be applied to the life of an innocent third party.

(a) Thus, it is necessary to defend the innocent person, even if the aggressor has to be killed, when one is bound to give this protection by natural duty (*e.g.*, because the innocent person is one's child or father and the aggressor is not a relative), or by contract (*e.g.*, because one is a hired bodyguard or policeman).

(b) It is lawful to defend the innocent person, even if the aggressor has to be killed, and even though there is no duty of nature or contract to give this protection (Exod., ii. 12). But it is disputed whether it is also necessary to do this. The affirmative opinion calls attention to the extreme bodily need of the innocent party, the negative to the extreme spiritual need of the aggressor. It is not necessary to risk one's life in order to protect the life of the innocent party, unless the public safety is in peril, or one has undertaken this obligation (see **1169**).

**1839**. A private individual may defend life at the cost of the life of an unjust aggressor, because he is obliged or permitted to protect the life that has more of a claim on him. He may also defend certain other most important goods that belong to him or to his neighbor, even if need be at the cost of the unjust aggressor's life, because the common good is more valuable than the life of the aggressor, and the defense of those goods is bound up with the common good. Thus, if it were not permissible to defend valuable property even to the extent of killing a burglar, criminals would be encouraged, peaceful citizens would be at a disadvantage, and the public security would greatly suffer. Among the goods now spoken of are goods of fortune and goods of body. It is not always obligatory, however, to exercise the right of extreme self-defense (*e.g.*, in case of violation, provided no consent is given the deed).

**1840. Defense of Goods of Fortune Against an Unjust Aggressor.**—(a) If the attack is equivalent to an attack on life (*e.g.*, the aggressor wishes to take the last loaf from a starving man or the plank from a drowning man), or if it seems to be an attack on life (*e.g.*, the burglar enters a room as if he meant to kill), the killing of the unjust aggressor is not unlawful, as is clear from the previous paragraphs.

(b) If the attack is made on goods of fortune only, but they are of great value and actually possessed, the question is disputed. According to some, killing in this case is unlawful, because life is more valuable than property; but the common opinion is that killing is lawful, both because Scripture excuses the person who kills the nocturnal robber (Exod., xxii. 2), and because the public safety is at stake and therefore justifies extreme measures.

(c) If the attack is made only on goods of fortune, and they are not yet possessed (*e.g.*, a legacy one hopes to obtain) or have only a small value (*e.g.*, one gold piece), killing is unlawful; for there is no proportion between external goods that are only hoped for or that are of minor importance and the life of a human being. Pope Innocent XI condemned the teaching that one may use homicidal defense to protect a coin or the prospect of receiving an office.

**1841. Defense of Bodily Purity Against an Unjust Aggressor.**—(a) If the attack is equivalent to an attack on life, or seems to be an attack on life, self-defense even by killing is lawful, and hence it may be permissible to kill one who is attempting rape.

(b) If the attack is on bodily purity only, but *per actum consummatum luxuriæ,* the question is controverted. One opinion is that killing may not be resorted to, for the aggressor cannot take away purity of soul, and the purity of body that he violates is less good than life. The opposite opinion holds that killing may be employed in self-defense, since bodily purity has a higher value than even notable goods of fortune, especially as violation is usually accompanied by spiritual damage, disgrace of family, and syphilitic infection; and the public interest demands that such outrages be sternly suppressed on account of the strong inclination of many persons to commit them.

(c) If the attack is on bodily purity only, and *per actum non-consummatum luxuriæ* (*e.g.*, *per osculum vel amplexum*), killing is not justified, but other means of defense, such as blows or wounds, may be used.

**1842. Defense of Bodily Integrity Against an Unjust Aggressor.**—(a) If the attack is equivalent to an attack on life (*e.g.,* if the aggressor intends to mutilate or wound, but there is danger that he will kill), defense even with resultant killing is lawful.

(b) If the attack is not equivalent to an attack on life, but is very notable (as when a principal member will be lost or the person horribly disfigured), some authorities claim that defense which would cause the aggressor's death is unlawful, because death is too heavy a price to pay for wounds. But against this it may be argued that the loss of limbs or organs is more serious than the loss of money, and, in some respects, is more damaging than violation. The civil law gives a person the right to protect himself in body and limbs, even by killing the assailant when absolutely necessary.

(c) If the attack menaces only a minor detriment (*e.g.,* a black eye or bloody nose), certainly killing is unjustified. But the person attacked may hit harder and oftener than the assailant, if he is able, so that the latter may beware of him another time.

**1843. Defense of Honor or Reputation.**—When honor or reputation is unjustly attacked, the more perfect course is to bear the injury patiently and to pardon the offense, according to the teaching of Christ. But it is not sinful to defend honor and reputation, just as it is not sinful to defend life, limbs and property. How far may one go in defense of honor or reputation against an unjust aggressor?

(a) If the aggression is merely in words (as when the offender calls the other party a liar, or says that he is illegitimate), it is not lawful to use violence, at least such as would cause death; for there are other and less drastic means of defense that suffice (*e.g.,* to answer the allegations, or even to retort the same epithets against the aggressor), and, unless the violence of even justifiable resentment were restrained, the world would be filled with disorder and homicidal violence. Innocent XI and Alexander VII condemned the doctrine that one may kill in order to prevent the spread of calumny.

(b) If the aggression is in deeds (as when the offender slaps the other person or throws mud or rotten eggs at him), it is not lawful to kill; for here also defense can be made in other ways (*e.g.*, by bringing the aggressor before the court for punishment, or, if this cannot be done, by returning slap for slap, etc.). Innocent XI rejected the proposition that it is lawful to kill the aggressor who gave one a blow and then fled. It is only when the aggressor is continuing his attack, and imperilling the innocent party in life or limb, that the latter may repel the extreme force by extreme force.

**1844. Killing of the Innocent.**—So far we have spoken of the killing of malefactors and unjust aggressors, which under certain conditions is not sinful. The next subject is the killing of the innocent, that is, of those who are neither malefactors nor unjust aggressors worthy of death.

(a) The killing of the innocent by human authority, if it is done directly and intentionally, is always sinful, whether the cause be a private individual or society. But since God is the Master of life and death, He could command the death of an innocent person, as was done when he bade Abraham to sacrifice his son (Gen., xxii. 12).

(b) The killing of the innocent, if it is indirect and unintentional, is not sinful when there is a serious reason for performing an act from which the killing results; for it is lawful to perform an act from which two effects follow, if the good is intended but the evil only permitted, and there is a sufficient justifying reason (see **103 sqq.**).

**1845.** Unlawful killing of the innocent is a most heinous crime.

(a) It is an injury to the rights of God over human life, and is forbidden in the Fifth Commandment of the Decalogue: "Thou shalt not kill" (Exod., xx. 13). To judges the special command was given: "The innocent and just person thou shalt not put to death" (Exod., xxiii. 7). The man-slayer destroys the image of God, a crime so detestable that in Scripture God declares that He will revenge the blood of man, even though shed by a beast (Gen., ix. 5; Exod., xxi. 28).

(b) It is a most grave sin against the individual, for it deprives him of his chief natural good and the means of securing and enjoying many great spiritual goods. If the person killed desired or asked for death, no injustice is done to him, since he waived his right, but uncharitableness is committed, since the neighbor's life should be loved, and the uncharitableness is greater according as the person is more worthy of love. Scripture numbers murder among the sins that cry to heaven for vengeance (Gen., iv. 10, ix. 5).

(c) It is an outrage against society, for such killing unduly deprives the community of one of its members, causes scandal and disturbs the peace. Hence, the law has always inflicted the severest punishment on slayers of the innocent.

**1846.** Since the end does not justify the means, the following ends do not justify the direct and intentional killing of innocent persons:

(a) the public good does not excuse, for example, if an enemy were to threaten destruction against a city unless it put to death an innocent person who dwelt in its borders. The criminal on account of his lawlessness is an obstacle to the common good, but the law-abiding citizen promotes the common good and it would be harmful to the public peace if he could be put to death without any fault of his own. The State is for the citizen, not the citizen for the State. But if the common safety depended on the sacrifice of one man's life, charity and patriotism would require this man to make the sacrifice spontaneously (see **1169**); that is, he should deliver himself to the enemy, and were he to refuse, it seems the community would have the right to deliver him. Similarly, it is not lawful to kill hostages, even though the enemy has broken faith, or killed one's subjects;

(b) the private good of other individuals does not excuse; for example, it is not lawful to kill a maniac lest he do harm to those around him, at least unless the conditions of unjust aggression are fulfilled. Similarly, it is not lawful to kill a woman with child, in order to baptize the child;

(c) the private good of the individual himself does not excuse; for example, it is not lawful to shoot or poison those who are mortally wounded or suffering from an incurable disease, or who are old and helpless, in order to spare them suffering. But one may give a person at the point of death a medicine that may hasten the end, if there is good hope that it will cure him and other remedies are futile, for the purpose is not to kill but to cure. It is lawful also for embalmers to puncture the heart or sever an artery of a person who seems to be dead, if there are certain signs of his death, for the purpose is not to kill this person, but to free his friends from fear that he be buried alive.

**1847. Indirect or Unintentional Killing of the Innocent.**—Indirect and unintentional killing of the innocent is lawful (**1872**) only when there is a reason of sufficient gravity (*i.e.*, one of a value proportionate to the life of the innocent person).

(a) The public safety is such a sufficient reason. Thus, in time of war it is lawful to attack a city, even though the death of many non-combatants will result, or to charge the enemy, even though innocent persons have been placed by the latter as a shield to his front ranks.

(b) Private safety from death is not a sufficient reason, if it does not compensate for the loss, or if it is secured unlawfully (see **104**). Thus, if Balbus cannot escape from an unjust aggressor without running down and killing an unbaptized infant or a man whose life is very necessary for the community, the temporal life of Balbus does not compensate for eternal life lost by the infant in the first instance, and the mere private good of Balbus does not compensate for the public good sacrificed in the second instance. Again, if Caius cannot escape from drowning without pushing a shipwrecked companion from the only plank which is insufficient for both, or if Sempronius who has been sentenced to death for crime cannot escape execution unless he kills his guard, the means of securing safety are unlawful.

(c) Private safety from death is a sufficient reason, if it compensates for the loss and is secured lawfully. Hence, if the life of the innocent person is only of equal importance, self-defense against an unjust aggressor by means of flight that will involve the innocent person's death does not make one guilty of homicide (*e.g.,* Titus is speeding in his car in order to escape a pursuer bent on murder and he cannot avoid hitting and killing a cripple who crosses the road). If self-defense is conducted by means of attack, one may use violence against the aggressor (*e.g.,* one may shoot at him, although an innocent person whom he is using as a shield will be killed), but not against the innocent person (*e.g.,* one may not shoot at the innocent person in order to deprive the aggressor of his shield, nor may one hold the innocent person before one in order that he receive the assailant's bullet).

**1848. Destruction of the Unborn.**—(a) Direct and intentional destruction of this kind is unlawful and homicidal, if done after animation, which according to many today is simultaneous with conception. Hence, even the reputation of a girl who has been seduced, or the health or life of a mother, does not justify the killing of the embryo or fetus within the womb (*e.g.,* by craniotomy), nor the ejection or abortion or miscarriage of an immature fetus (*i.e.,* one which is not six or seven months old and which will die if ejected). This applies to ectopic or extra-uterine, as well as to normal fetuses.

(b) Indirect and unintentional killing, or rather permission of death, is not unlawful in such a case, when there is a proportionately grave reason, such as the life of the mother. Thus, it is permissible to give the mother a remedy necessary to cure a mortal disease (*e.g.,* medicinal drugs, baths, injections, or operations on the uterus), even though this will bring on abortion or the death of the fetus; for the mother is not obliged to prefer the temporal life of the child to her own life. But the baptism of the child must be attended to, for its salvation depends on the Sacrament, and the eternal life of the child is to be preferred to the temporal life of the mother, if the conditions of **1166** are verified.

**1849.** It is unlawful positively to kill the mother in order that the unborn child may be saved or baptized. Thus, it is not lawful to perform the Cæsarean operation, when it is likely that the mother will die from it. Indeed, it seems that the mother is not obliged to undergo this operation for the sake of saving her own life, since it appears to be an extraordinary remedy (see **1571**), nor even for the sake of the child's baptism, since the hope that the child will be able to receive baptism and will be saved is doubtful, to say the least (see **1166**).

**1850. Direction in Cases of Doubt, Ignorance, or Error.**—(a) In case of doubt, if there are positive and solid reasons for believing that an operation performed to save a woman's life will not be destructive of the life of a fetus (*e.g.,* if it seems that the source of her trouble is not an ectopic fetus but a tumor, or if it is more probable that a fetus is already dead), the operation seems lawful; for in doubt, the woman, as the certain possessor of life, has the presumption.

(b) In case of ignorance or error (*c g.,* when a penitent asks whether a certain operation is permissible, or a surgeon in good faith performs an operation that is not lawful), either a truthful answer should be given to questions, or silence should be observed when an admonition would only be harmful (*e.g.,* if to require the Cæsarean operation from a dying mother would have no other result than to make her die in bad faith instead of good faith).

**1851. Canonical Penalties for Homicide and Abortion.**—(a) Homicide, if voluntary, produces irregularity (Canon 985, n. 4) and subjects the guilty party to exclusion from legitimate ecclesiastical acts or to degradation from the ecclesiastical state (Canon 2354). Moreover, a church is violated by the crime of homicide (Canon 1172). (b) Abortion of a human fetus, when the effect is produced, brings irregularity on those who procure it and also on the coöperators (Canon 985, n. 4). Moreover, those who procure abortion effectively, the mother excepted, incur excommunication *latæ sententiæ* reserved to the Ordinary, and, if clerics, they are to be deposed (Canon 2350).

**1852. Suicide.**—Suicide, or the killing of oneself, is, like homicide in general, of various kinds.

(a) Thus, in reference to the intention, it is voluntary or involuntary, according as it proceeds from knowledge and choice, or as it is committed without realization of what is done or without the intention to produce death. Examples of involuntary suicide are a person who is temporarily insane on account of impending calamity and drowns himself, and a person who, attempting to frighten another by pretending to hang himself, actually strangles to death. It would be a mistake to say that no person who commits suicide is free, but no doubt a large percentage of those who kill themselves are not responsible for their act.

(b) In reference to the mode, suicide is direct, if that which is done tends from its nature to the death of the person who does it (*e.g.*, firing a pistol into one's brain); it is indirect, if that which is done tends from its nature to another end (*e.g.*, to struggle with a criminal who is firing a revolver). Direct suicide is committed in many ways, all of which can be reduced to positive (*e.g.*, the eating or drinking of deadly poison) and negative (*e.g.*, the refusal to eat or drink anything).

**1853.** The difference between direct and indirect suicide is also explained as follows: (a) direct suicide is an act or omission that has but one effect, namely, death (*e.g.*, taking deadly poison); (b) indirect suicide is an act or omission that has two effects, one of which is the peril of death. This peril of death is certain, if death always follows (*e.g.*, jumping from the roof of a skyscraper); proximate, if death usually follows (*e.g.*, jumping from a third- or fourth-story window); remote, if death now and then follows (*e.g.*, jumping from a second-story window).

**1854. Sinfulness of Suicide.**—Voluntary and direct suicide is always a most grave sin, if committed without due authority (*i.e.*, the command of God).

(a) It is a grave injury against the rights of God, for it usurps His authority, refuses Him the service He desires, spurns the gift He has bestowed, dishonors the image of God (Gen., ix. 6), and destroys the property of God: "Thou, O Lord, hast the power of life and death" (Wis., xvi. 13).

(b) It is an offense against society, for the community has a right to be benefited by the lives of its members, and to receive a return for the protection and assistance it affords them. Moreover, death by suicide is usually felt as a great sorrow and disgrace by the relatives of the departed, and it has a demoralizing effect on many persons of suggestible minds. The fact that the death of this or that man is not felt as a loss by a family or the State, but rather as a relief, is no argument; for if suicide were left to human decision, how many fatal mistakes would be made (see **460**)! Persons valuable to society would rashly kill themselves, fearing in a mood of depression that they were worthless; others who could contribute nothing in material ways would destroy themselves and deprive their fellow-men of an example of fortitude, or at least of the opportunity of showing charity and mercy to the needy.

(c) Direct and voluntary suicide is a sin against the deepest natural inclination, for self-preservation is called the first law of nature (see **298**), and also against that love of self which charity requires (see **1136 sqq.**). Since charity to self is more obligatory than charity to the neighbor, suicide is a more serious sin than other forms of homicide. Nor is it excused by the desire of some good for self. The suicide does not better himself by his act, for, since he has not fulfilled his trust in this life, what can he expect in the next life? He escapes the lesser evils of physical miseries or moral temptations, but he incurs the greater evils of physical death and of moral cowardice and defeat, to say nothing of his punishment in the hereafter.

**1855. Coöperation in Suicide.**—Coöperation in suicide has the guilt of unlawful homicide. (a) Thus, those who incite, advise, command, or assist another to commit suicide are guilty of moral murder. (b) Those who carry out together a suicide pact are guilty both of suicide and of moral murder.

**1856. Permission or Authorization to Commit Suicide.**—(a) Divine authority could command or permit suicide, since God has the power over life and death. But whether God has ever done this is uncertain. Some argue for the affirmative from the death of Sampson, who pulled down the house upon himself saying: "Let me die with the Philistines" (Judges, xvi. 30), and of Razias who killed himself to escape ill-usage (II Mach., xiv. 37 sqq.), and from the acts of certain female martyrs who from love of God or from the desire to preserve chastity rushed to their deaths. But others think that invincible ignorance may explain these cases. The act of Sampson may also be understood as indirect suicide lawfully committed for the public good of his country.

(b) Human authority, according to some authors, could authorize a condemned malefactor really guilty of a capital crime to execute himself; for, they argue, there is little difference between opening one's mouth to swallow poison administered by an executioner and taking it with one's own hands, as was done by Socrates. Others deny that God has given the State the authority to order suicide, and they declare that it is both unnecessary and inhuman to force a condemned man to be his own executioner. Still others believe that the State could command self-execution, at least in necessity, but that such a punishment is so strange, cruel and unnatural that it should be avoided; for, if it is shocking to ask a father to execute his child, much more shocking would it be to ask a man to kill himself. The argument is inconclusive which says that because it is lawful to perform an act preparatory for death, but which is indifferent and would never cause death (such as opening the mouth for poison), it is also lawful to perform the act which inflicts death (such as taking the poison).

**1857. Indirect Suicide.**—Indirect suicide is committed when one is the cause of an act or omission, indifferent in itself, but from which one foresees as a result that one's life will be lost or notably shortened. This kind of "suicide" is lawful when and if the conditions for a case of double effect are present—in other words, if there is a proportionately grave reason for permitting the evil effect (see **103 sqq.**). The following reasons are considered sufficient:

(a) the public good, for the welfare of society is a greater good than the life of an individual. Eleazar is praised because he exposed himself to death in order to deliver his people (I Mach., vi. 43 sqq.). It is not sinful, then, but rather obligatory for a soldier to advance against the enemy or to blow up an enemy fortification, though it be certain that his own death will result; nor is it wrong for a pastor to go about ministering to his flock during a pestilence, though it be certain that he will fall a victim to the plague. Explorers and experimenters may also risk their lives for the advancement of science;

(b) the good of another suffices for indirect suicide, when he is in extreme spiritual need. Indeed, there may be an obligation of charity to risk one's life for the salvation of a soul (see **1166**). Hence, it is lawful to go as a missionary to a country whose climate is so trying that strangers die there after a few years;

(c) the higher good of self (*i.e.*, the good of virtue) justifies indirect suicide, when there is an urgent reason for exercising a virtue in spite of the peril of death. Thus, for the sake of charity a shipwrecked passenger may yield his place in the life-boat to his parent, wife, friend, or neighbor; for the sake of faith, one may refuse to flee in time of persecution (see **1006**), or may refuse and should refuse to take food or drink offered as a mark of idolatry; for the sake of chastity a virgin, at the peril of her life, may jump from a high window or resist the assailant, although it does not seem that this is obligatory if no internal consent will be given to the rape; for the sake of justice, a criminal in the death house who has an opportunity to escape from prison, may decide to remain and be executed, or a malefactor condemned to die by starvation may refuse to take food secretly brought him; for the sake of mortification, one may practise moderate austerities, as by fastings, watchings, scourgings, hair-shirts, etc., which sometimes shorten life, though generally they lengthen it;

(d) the preferable temporal good of self suffices, that is, one may risk the danger of death to escape another danger that is more likely to happen or more terrible. Thus, a man in a burning building may leap from a high window, even though death from the fall is almost certain, for death by burning is more terrible; a prisoner who is about to be tortured to death may make a break for liberty if he sees a chance of escape, for death is more certain if he remains. On the same principle, one may engage in hazardous but useful occupations, such as working on high buildings, or as a diver or miner, for it is better to live a shorter time with employment and the necessities of life, and to be of service to the public, than to live a longer time without these advantages. But a worker should not undertake dangerous tasks for which he is unfitted or unprepared, and the employer is bound to safeguard the lives of the workers.

**1858.** The same reasons are not sufficient in all cases. (a) Thus, the greater the risk of death, the more serious the reason required. Hence, to save the money one has it might be lawful to jump from a second-story window, but not from a higher window when the fall would most likely kill one. (b) The more immediate the danger of death, the more serious the reason required. Thus, to save money one might lawfully enter a quarantined house, but the risk would not be permitted if the house were tottering in an earthquake. (c) The more notable the shortening of life, the greater the reason needed to permit it. Thus, if the practice of a certain mortification or labor reduces the expectancy of life for a few years, a lesser reason suffices than if it reduces the expectancy for ten or more years.

**1859.** Indirect suicide is unlawful and has the guilt of self-murder when the reason for risking death is frivolous or insufficient or sinful.

(a) Examples of insufficient reasons are found in the cases of persons who engage in occupations or actions that are very dangerous to life or limb but of little public or private value, as when for the sake of performing a feat a man walks a tight-rope, pricks himself with pins and needles, or puts his head into a lion's mouth. But if the performer is very skillful and has no other means of livelihood, it seems that he may exercise his art for the sake of entertainment.

(b) Examples of sinful reasons for risking death are found in persons who abbreviate their lives by over-eating, drunkenness, habitual indulgence in strong spirits, or immoderate passion of any kind; and also in those who refuse to make use of the ordinary means for the preservation of health (see **1566 sqq.**) or of the ordinary remedies against disease (see **1571**). It is not necessary that one be anxious to live long (see **1063**), but it is obligatory to use the normal means for the preservation of life, and those who notably neglect these means are guilty of indirect suicide.

**1860.** Is it suicidal to refuse a surgical operation pronounced necessary for life?

(a) If the operation is likely to be successful and there is no good reason for refusing it, it seems that one may not refuse it without the guilt of indirect suicide, although one might be excused on account of good faith.

(b) If the success of the operation is doubtful, or if there is a good reason for refusing, one who refuses is not guilty of suicide. Among the good reasons are spiritual ones (*e.g.*, modesty, the fear of falling into blasphemy or despair under the pain are given by some writers) and temporal ones (*e.g.*, the poverty that would be brought upon the patient's family or the hardship that would result for the patient himself).

**1861. Canonical Penalties for Suicide.**—(a) Those who attempt suicide are irregular *ex delicto* (Canon 985, n. 5). (b) If they die, they are not given ecclesiastical burial unless they gave signs of repentance before death (Canon 1240, n. 3), and, if they recover, they are subject to various penalties (Canon 2350, § 2). (c) If it is doubtful whether a person committed suicide, or was responsible, the doubt is decided in his favor, provided no scandal is likely.

**1862. Accidental Homicide.**—Accidental homicide is that which happens without any direct purpose to kill. But the following cases should be distinguished:

(a) when the homicide is not voluntary, either in itself or in its cause (see **35, 94**), that is, when the slayer had no intention to kill and could not foresee that death would result from his act or omission;

(b) when the homicide is voluntary only in its cause, inasmuch as the person who kills is guilty of negligence in a lawful thing, or of something unlawful, and death results from the negligence or from that which is unlawful, although there was no direct wish to kill.

**1863.** *The Case of One From Whose Lawful Act or Omission Homicide Accidentally Results.*—(a) If this person was not guilty of negligence, he is not responsible for the resultant homicide, since it was not voluntary, either directly or indirectly. Thus, if a man who was said to be dead, but who knows nothing about the report, calls at his home and his wife drops dead on seeing him, he is not responsible for her death.

(b) If the person in question was negligent, he is guilty of homicide in a greater or less degree according to the seriousness of his neglect. Thus, a sane man who flourishes a loaded revolver in a crowded room is responsible if the revolver goes off and kills someone present; but a nurse who leaves a sick room for just a moment with the result that her patient falls out of bed and is killed, is only slightly responsible at the most, if there was little reason to expect what happened.

**1864.** *The Case of One From Whose Unlawful Act or Omission Homicide Accidentally Results.*—(a) If this person was not negligent and his conduct was not dangerous to the lives of others, he is not guilty of homicide; for the death that ensued was not voluntary, either directly or indirectly. Thus, if a thief is driving away carefully with a stolen automobile and a reckless pedestrian gets in front of the car and is killed, the driver is guilty of theft, but not of homicide.

(b) If the person in question was not negligent but his conduct was nevertheless dangerous to the lives of others, he is guilty of homicide; for the death that followed was voluntary indirectly, since he could have foreseen the homicide and should have avoided the conduct. Thus, if a person strikes lightly a pregnant woman and she suffers an abortion, or if one who is not a surgeon tries to mutilate an innocent person and kills him, he is responsible for the death, since the acts committed remained dangerous to life, no matter how careful the offender may have been to avoid killing.

**1865. Moral and Legal Guilt.**—The law may hold one responsible for homicide, even though there is no theological guilt (see **1766 sqq.**). (a) Thus, one may be held responsible for the consequence of acts only juridically negligent, as when an automobilist while driving at a speed unreasonable in law, but not in fact, kills a pedestrian. (b) One may be held responsible for acts committed by those subject to one's care or control, as when a man keeps a dog loose not knowing that it is vicious and it kills a neighbor's child, or when he illegally lends his car to a minor, thinking the latter is a good driver, and the minor carelessly runs down a person in the road.

**1866. Bodily Injuries.**—Injustice is done not only by destroying the life of a human being, but also by harming him in his rights to bodily integrity or well-being. The chief bodily injuries are the following:

(a) mutilation, which deprives a person of limbs or members, without inflicting death;

(b) wounding, which by an act of violence (such as a stab or blow) breaks the continuity of the body, or impairs its strength or beauty;

(c) enfeeblement, which impairs or destroys the health, strength, or comfort of the body in unlawful ways (*e.g.*, by deprivation of necessary food, sleep, fresh air, by communication of infection, by beating, hazing, etc.);

(d) restraint, which hinders the lawful exercise of the bodily powers (*e.g.*, by holding a person against his will, by chaining him to a post, by locking him in a room).

**1867. Mutilation.**—Mutilation is lawful in the following cases:

(a) it is lawful by public authority in punishment of a malefactor; for if the State has the right to inflict death for serious crimes, much more has it the right to inflict the lesser punishment of mutilation. But today public opinion does not approve of mutilation, unless in special cases where it serves not only as punishment but also and directly as prevention;

(b) it is lawful on private authority (*i.e.,* the authority of the person mutilated or of his parent) when the amputation of a member or a part of the body is necessary for the safety or health of the whole body. In fact, such mutilation is often obligatory, since one must use ordinary means to protect life and health, and since the part is for the whole. Thus, one would be bound to undergo an operation for appendicitis in order to save one's life. This is certainly true when the harm from a member is internal (*e.g.,* when an appendix is gangrenous, or a limb is infected); and it is more probable when the harm from a member is external (*e.g.,* when a hand is held under a track and one cannot escape from an approaching train except by cutting off the hand). An exception would be the case in which mutilation was commanded as an indication that one accepted doctrines opposed to faith.

**1868.** In other cases mutilation is unlawful; for just as man is not the master of his life, neither is he the master of his limbs, and he commits a wrong against God, society and the individual, if he destroys parts of his body when neither public good nor private safety demands that this be done.

(a) Thus, mutilation of a criminal performed by private authority is unlawful. Hence, a husband may not mutilate a man who has broken up his home.

(b) Mutilation of an innocent person that is not necessary for his bodily safety is unlawful. Even spiritual good is not a sufficient reason; for example, one may not castrate oneself in order to escape temptation, for this operation does not take away passion, and moreover there are spiritual means which suffice against temptation. When Our Lord says that one should cut off a hand or foot that causes scandal (Matt., xviii. 8), He is speaking metaphorically of the avoidance of the occasions of sin. Much less is temporal good a sufficient reason for mutilation. Hence, a youth may not have his teeth pulled in order to escape military service; a pauper may not have his arm amputated in order to get larger alms; a boy may not be castrated in order to give him a better singing voice; a woman may not have the Porro or other similar operation performed merely to prevent conception; a man may not have the operation of vasectomy performed on him in order to prevent generation.

**1869. Morality of Sterilization.**—(a) Therapeutic sterilization is lawful when it is necessary to save life or health. Hence, vasectomy may be used to prevent idiocy or death, or to remove or allay physiological abnormalities that bring on certain sexual perversities or disturbances, if it is likely that these evils are imminent or present and that the operation will be beneficial.

(b) Punitive sterilization is lawful when inflicted by the State for major sexual crimes. But moralists and penologists seem to agree that, while hurtful mutilation is offensive to the humanitarian spirit of the age, painless sterilization is useless as a punishment, since it secures none of the ends of punishment, being neither deterrent, reformative nor reparative.

(c) Eugenical sterilization may be commanded by public authority, if the public welfare is imperilled by the propagation of degeneracy and feeblemindedness, and sterilization is necessary to prevent these evils. But neither of these suppositions has been sufficiently established, and it may be questioned whether sterilization laws are not open to serious abuses and may not lend themselves to tyranny. Here, however, let it be observed that, if mental, moral, and physical defectives are actually propagating their own kind to the serious detriment of society and the common good, and sterilization is the only preventive of such propagation, it is not only justifiable but it is to be required.

**1870. Other Bodily Punishments.** — Other bodily harms (wounds, blows, restraint) may not be inflicted except under the following conditions:

(a) there must be sufficient authority. The State, being a perfect society, has greater coercive power, and may inflict penalties that are of a permanent character, such as death or mutilation or wounds (*e.g.*, by branding); and it may impose restraint, not only from unlawful, but also from lawful acts. The family, being an imperfect society, has a limited coercive power, and hence the father, or those who hold his place (*e.g.*, teachers), may administer corporal chastisements that are not of an irreparable kind to his children (such as beatings, whippings). Other persons may punish or restrain only in case of urgent necessity (*e.g.*, one may hold a stranger who is about to commit murder; one may chastize a neighboring boy who cannot be kept from depredations on one's property in any other way). It is not wrong, however, to inflict moderate bodily hurts, if the other person is not unwilling and there is a reasonable purpose, such as exercise, training in the art of boxing or wrestling, recreation, or mortification;

(b) there must be a sufficient reason for the harm done. The good of the public is a sufficient reason; for example, when a criminal is incorrigible and it is dangerous for him to be at large, it is not unreasonable to give him a life sentence. The good of the individual is also sufficient; for example, when a surgeon has to wound in order to cure, when a father has to use the rod in order to improve the child or to uphold discipline (Prov., xiii. 24, xxiii. 13);

(c) there must be moderation in the harm or pain inflicted. Thus, while children should not be spoiled, nor prisoners pampered, the other extreme of maltreatment or torture must be avoided. It is cruel to box children soundly on the ears, or to push them roughly about, or to tie them up in the dark, as they may suffer permanent injury from such methods. Likewise, it is barbarous to send convicts to a place or prison so horrible that they lose their minds or fall victims to lingering disease, or to inflict excruciating punishments by rack, thumb-screw, prolonged scourgings, etc.

**1871. Injury to Health.**—Harm unjustly done to the health of others is sinful, and, if the harm is great, the sin is mortal. Examples: (a) Harm to health is done negatively by omission of duty, as when a medical man or physical director does not use sufficient care and a patient thereby suffers detriment to health, or an employer does not see that his factory or place of business is sanitary, or that the work is not too exhausting with the result that employees lose their vigor. (b) Harm to health is done positively by acts or objects that tend to deprive another of the means to physical well-being (*e.g.*, annoyances, noises that prevent sleep, adulterated food, maintenance of a nuisance which creates suffocating smells or harmful vapors, etc.), or that bring to another the infection of disease (*e.g.*, when a well person is made to live or room with one who has tuberculosis). Syphilis is such a terrible scourge that one who has it cannot be excused from grave sin, if he marries an innocent young woman unaware of his state, nor if he uses marriage and thus dooms his wife and children to unspeakable sufferings.

**1872. Theft and Robbery.**—Having considered the injuries to person committed by homicide, mutilation, imprisonment, etc., we shall now take up the injuries to property committed by theft and robbery. Private ownership of property is allowed by natural and divine law, and it is necessary when, as at present, human affairs cannot be well managed under another system. It has its limits, however, since it is subordinate to the public good, and charity requires that those who have the goods of this world share them with those who are in need (see **1210 sqq.**). The chief titles to private ownership are the following:

(a) original titles, which are those by which one takes possession and dominion of goods that have never had or have not now an owner, and these are reduced to two, namely, occupation (*i.e.*, the taking possession of a material thing) and accession (*i.e.*, the union of a material thing with one's property);

(b) derivative titles, which are those by which one obtains dominion, through transfer of right, of the goods that belong to another. These titles are produced by the law itself (as in prescription), or by the law and the free will of man (as in inheritance from testament or from intestate), or by the free will of man (as in contracts).

**1873. The Chief Kinds or Ways of Occupation.**—(a) *Animals.*—Domestic animals (*e.g.*, dogs, cats) may not be occupied, even though they have strayed from their owner; tamed animals (*e.g.*, bees, pigeons, songbirds) may be occupied only when they have recovered their liberty; wild animals (*e.g.*, birds, foxes, fishes, hares, etc., at large) may not be occupied, unless they are kept in a small enclosure from which they cannot escape.

(b) *Land and Plants.*—These may be occupied only when they have no present owner.

(c) *Treasure-trove.*—This is a deposit of precious movables hidden away so long ago that it is impossible to discover the owner. According to natural law it may be occupied by the finder, but the civil law sometimes decides that the find must be divided with the owner of the place or with the government.

(d) *Lost Property.*—This embraces those movables which an owner has recently parted with, through accident or forgetfulness, without any intention of giving up his ownership of them, and which are now easily findable, although their owner is not known. According to natural law the finder may occupy these goods, after he has failed to discover the owner, though some think he must devote them to the poor or keep them for the owner; according to the positive law in this country the owner of movables does not lose his right to these things, no matter how long the interval that has elapsed since the property was advertised as lost.

(e) *Abandoned Goods.*—According to natural law one may occupy goods voluntarily relinquished by the owner (*e.g.*, an old automobile left by the roadside), but the civil law sometimes awards certain classes of goods (*e.g.*, immovables) to the State.

(f) *Vacant Goods.*—According to natural law the goods of one who died without heirs may be occupied; but under the civil law they usually devolve to the State, whether they be movables or immovables.

**1874. Principles on Accession.**—(a) According to natural law, if the two things united are separable, then each owner should be given his own property; but if the things are inseparable and one is more valuable, the owner of the more valuable part keeps all, but compensates the owner of the less valuable part; if the things are inseparable and of equal value, there is joint ownership.

(b) According to positive law, these natural principles are applied to various cases of accession, whether it be *natural* (as through growth of plants or deposit of land by rivers) or *artificial* (as through change made in a material by labor, or addition of one substance to another). These details are treated in books on law.

**1875. Prescription.**—Prescription laws (see **1798**) are valid in conscience, since they are determinations about property rights made in the interest of the common welfare. But the following conditions are required for acquisition of property through prescription:

(a) the object of prescription must be a thing prescriptible according to natural and positive law. Thus, natural rights and public property may not be prescribed against;

(b) the subject of prescription must be a person capable of possessing, and he must be honestly convinced that he has a right to what he possesses;

(c) the claim of the subject to the object must rest on possession, on apparent title to the property, and on the lapse of the legal time during which possession has been held or ownership has remained undisputed.

**1876. Wills.**—A will is a declaration made in legal form (*i.e.*, with the solemnities required by law) of the disposal to be made of one's property after one's death. Defects in a will or legacy sometimes operate to take away the moral obligations of observing it.

(a) Thus, if the defect is one of natural law (*e.g.*, a will made under duress), there is no moral right or obligation produced by reason of the gift.

(b) If the defect is of positive law only and makes the will rescindable (*e.g.*, a will not subscribed, as by law required, in presence of the testator), the gift is good in conscience until adverse decision of court.

(c) If the defect is of positive law only and makes the will *ipso facto* invalid (*e.g.*, a legatee acts as witness to a will), the gift is good in conscience, if there is question of pious causes, since property donated to God may not be alienated by human laws. But the Church desires civil formalities to be observed in the making of wills (Canon 1513).

(d) If the defect is positive and *ipso facto* invalidating, and there is question of profane causes, the will is not good in conscience, even before declaration of court.

**1877. Contracts.**—The elements of a contract are made up of essentials and accidentals. (a) The essentials include the subject-matter, the parties contractant, their agreement, and the external form that manifests the agreement. (b) The accidentals include bonds, oaths, conditions and modes.

**1878.** The subject-matter of a contract—that is, the thing or action or forbearance with which the agreement is concerned—must have the following qualities:

(a) it must be something *possible,* for one may not undertake what one cannot perform. But if the impossibility is only moral (*i.e.,* great difficulty), one who knowingly undertakes the arduous is bound to fulfill his promise; if it is only partial, one is held to the part that is possible; if it is culpable, one is bound to repair damage caused the other party through non-fulfillment. Thus, one cannot bind oneself by an accessory contract (such as suretyship), if the principal contract itself is *ipso facto* invalid;

(b) it must be something *disposable,* for one may not transfer that over which one has no right of control or transfer. Thus, one may not contract to sell public property that is *extra commercium,* or property of which one has only the possession, or goods over which others have a claim (*e.g.,* a debtor may not bestow gifts to the detriment of creditors' rights), or goods not transferable for pay (*e.g.,* payment for a favorable decision by a judge, or property owed to a third party) or for money (*e.g.,* academic degrees, public offices, Sacraments, indulgences);

(c) it must be something *existent and determinable,* for no one wishes to contract for a right that is valueless and illusory. Thus, one may not sell shares of a stock company that has no assets, or an indefinite house or lot or chattel;

(d) it must be something *good and lawful,* for one may not bind oneself to iniquity. If the substance of the contract is good, but a circumstance of it is sinful (*e.g.,* a contract to sell a house in order to spite a third party), the agreement is *per se* valid. But if the substance is evil (*e.g.,* a contract for fornication made with a prostitute), the agreement is null before the performance of the promised sin; but it seems to many that after performance of the sin the promisor is obliged to pay the money promised, unless the law makes the contract void (see **1886** c). If the law merely denies protection to a sinful engagement, or forbids it under penalty, it would seem that after performance of the sin one may follow, as far as strict justice is concerned, the rule that right is with the possessor. In the United States immoral and illegal contracts and those that are opposed to public policy are generally regarded as null, but in some cases the law declares immoral conditions *de futuro* nonexistent and considers the agreement to which they are added as valid (*e.g.,* wills and gifts *inter vivos* in some codes).

**1879. Sinful Contracts.**—There is no form of contract that may not be made sinful as to its substance on account of the wicked offer or consideration (*e.g.,* sale may deal with immoral objects, labor may be given to criminal projects), but there are certain forms of contract that are particularly open to abuse and hence are frequently associated with evil circumstances or results. Some contracts are often illicit according to natural law.

(a) Thus, a gift is sinful, on the part of the donor, when it is made by an employer for the purpose of seducing a servant, and on the part of the servant, when it is accepted for the purpose of encouraging the unlawful attentions of the employer; but if the gift is unconditional, there is no obligation in justice to return it.

(b) Borrowing is sinful, when the lender is in greater need, or when one becomes unduly obligated to the lender; lending is sinful when the lender cannot afford to part with the thing loaned, or when the borrower is encouraged in thriftlessness, or when he will make evil use of the thing borrowed, etc.

(c) Wagers are frequently sinful, since many of them are incitements to sin (*e.g.,* a bet that another is afraid to get drunk), or results of sinful motives (*e.g.,* bets made in order to deceive, or to satisfy avarice, or to live without work), or causes of great evils (*e.g.,* destitution of families, frauds, scandal, and corruption).

(d) Gaming is sinful when the form of the sport is objectionable (*e.g.,* the ancient gladiatorial fights in which the combatants killed each other), or when the motives or circumstances are wrong (*e.g.,* to play as a professional gambler so as to avoid work, to play cards all day Sunday, to play for higher stakes than one can afford, to spend time in ''gambling hells'').

(e) Lottery is sinful when the object is bad (*e.g.,* the raffle of an important office with the risk that incompetent persons may be chosen), or when the circumstances are bad (*e.g.,* if persons are led into superstition or idleness and prodigality).

(f) Speculation is sinful in many instances, since it often brings on a gambling fever that makes the speculator useless to himself and his dependents, and causes poverty and crime.

(g) Pawning of property is often unjustifiable, since it makes persons deprive themselves of necessary property in order to indulge in some useless or extravagant whim with borrowed money.

**1880. Illegal Contracts.**—For reasons of public policy the positive law puts its disapproval on many of the above-mentioned contracts, at least in certain instances.

(a) Thus, sometimes the law makes a contract unenforceable in court, though the natural obligation is not affected. Hence, if a wager is only denied a hearing before a judge, the winner may keep his gains, and the loser should pay.

(b) If the law merely declares that a contract is illegal, the effect seems to be that the contract retains its natural validity unless the party who has suffered by it wishes to disavow it. As to the sinfulness of such a contract, that depends on whether or not the law is penal or preceptive in intent. Thus, many regard laws that make betting illegal as preceptive under venial sin, while others regard them as punitive only. Other examples of illegal contracts are: gifts made to a judge in connection with a trial; lottery, in Great Britain and the United States; certain games of chance, in some States; and in Canon Law, as regards the clergy, aleatory games for money, speculation and trading (Canons 138, 142).

(c) If the law makes a contract voidable, the effect is that the contract possesses its natural force until adverse decision is given by court. Hence, if a wager is voidable in law, the winner may keep his gains until obliged by a judge to give them up, but the loser is not bound to pay, unless he confirms the wager.

(d) If the law makes the contract *ipso facto* void, the agreement loses its natural force (see **558–560**). In most or all of our States wagering contracts are illegal and void either by statute or by judicial decision. In many of the States the statute permits the recovery of the money from the winner or the stakeholder (see Boles, *Putnam's Handy Law Book for the Layman,* page 224). Gifts offered as bribes are invalid, and those who give or take such gifts are guilty of serious sin and of a criminal offense. In some of our States certain gaming contracts are also null.

**1881. Qualities Necessary in the Parties Contractant.**—The parties contractant must have the following qualities:

(a) from natural law it is necessary that they have the use of reason sufficient to understand what they are doing. Incompetent are babies and the insane, and also those who are totally drunk or otherwise temporarily deranged. Less competent are the half-witted and those who need a guardian in important matters;

(b) from positive law it is necessary that they be not legally excluded. In Canon Law administrators of church property and solemnly professed religious are unable to make certain contracts (Canons 1527, 536). In civil law there are restrictions on the contractual powers of minors, wives, aliens, guardians, and corporations. Persons not yet conceived are not capable in civil law of receiving a donation, and there are many prohibitions against the tender or acceptance of gifts by those who can reasonably be suspected of exercising undue influence or of being subject to undue influence.

**1882. Legal Privileges of Minors.**—The law grants certain benefits to minors and the like; for example, in some cases they are not bound by a non-executed agreement, while the other party is bound, or in an executed contract they may recover property without restoring or offering to restore the consideration, if they have nothing with which to replace it.

(a) Minors and other persons who are legally incompetent to contract, may avail themselves of the benefits of the law with a good conscience, if they are in good faith; for it is just that the law should protect those who are unable to protect themselves, and those who make contracts with such persons should know that they (the competent parties) act at their own risk.

(b) Infants and other persons legally incompetent may not avail themselves of the benefit of the law if they have acted in bad faith (*e.g.,* if a minor by deceit induced the other party to sell to him).

**1883. Qualities Necessary for Valid Consent.**—The agreement or consent of the contracting parties must have the following qualities:

(a) it must be *internal,* that is, one must accept in will and not merely in words the proposal or consideration offered by the other party. If one consents only to the form of the contract, the contract is null, and the same is probably true if one does not accept internally the obligations of the contract; if one consents to the obligations, but does not intend to fulfill them, the contract is valid, but unlawful. One who contracts invalidly sins, and is bound in the external forum to keep the contract seriously made, and in the internal forum to repair the damage to the other party by giving true consent or making restitution. One who contracts unlawfully also sins, and is bound to the engagement;

(b) it must be *external,* that is, one must manifest in some sensible way one's agreement to the proposition contained in an offered contract. Silence gives consent only when the contract is favorable to the party who is silent, or when that party should and easily could manifest his lack of consent, if the proposal did not please him. In the case of contracts between parties who are not in each other's presence, the intimation to the offerer of the offeree's acceptance is not necessary for validity, if the contract is gratuitous; but the contrary seems to be true, at least *per se,* if the contract is onerous. We shall speak later (**1885**) on the legal formalities required in contracts;

(c) it must be *mutual,* that is, there must be a meeting of minds in the same sense, or agreement of both parties to the same thing. Mutuality requires that consent be contemporaneous, that is, that the acceptance of one be given while the offer of the other still holds good. But it does not require that the parties be in each other's presence, or that they contract through direct personal communication, or (at least according to natural law) that the knowledge of the accomplishment of mutual agreement be known to the offerer. The law in the United States generally is that an offer may be withdrawn immediately or after a reasonable time, unless it was made on time for a consideration; and that a contract between the absent begins only on receipt by the offerer of the acceptance of the offeree, if the former stipulated for this, or if the offerer uses one means of communication as his agency and the offeree another. In other cases it begins the moment that acceptance is entrusted to the agent of the offerer;

(d) it must be *free,* that is, it must have the advertence and voluntariness necessary for a human act. If the contract is of grave import, there should be the same kind of deliberation as is necessary for commission of a mortal sin (see **173 sqq.**); if it is of lesser import, the deliberation should correspond with the seriousness of the case. But some authors think there should be perfect deliberation in every contract, since the contractants are assuming obligations of justice.

**1884. Defects that Invalidate Consent.**—The defects that vitiate consent by taking away knowledge or choice render contracts either void or voidable (see **40–55**). These impediments are the following:

(a) *error,* which is a judgment of fact or of law in reference to the contract, not in harmony with the truth, but not maliciously caused by other persons. If error is substantial (that is, about the nature of the contract or the nature of the subject-matter of the contract), the agreement is naturally void; if error is only accidental (that is, about features of the contract, subject-matter or co-contractant, that are only incidentally intended), an onerous agreement is naturally valid, but positive law in the interest of freedom will often grant the privilege of rescindment (see Canon 1684, n. 2). But if error cannot be proved, courts will stand for the validity of a contract;

(b) *fraud,* which is error or mistake about a contract caused in one of the parties by the dishonest representations of the other party or of a third person (*e.g.,* when an insurance agent deceives about the benefits, or a policy-taker deceives about his age or health). Fraud exists, then, when there is intention, at least indirect, to mislead, and statements, acts or omissions calculated to mislead; but the usual boasts of vendors and advertisers about the wonderful excellence of their wares are not fraudulent, since the public understands that such talk must be taken *cum grano salis.* The effects of fraud on the value of contracts are the same as those produced by error; but it should be noted that the person guilty of the fraud is bound to make good the losses of the injured party, even though the contract be valid and not rescindable, or though the guilty person be not a party to the contract;

(c) *fear,* which is a disturbance of mind caused by the belief that some danger is impending on oneself or others (see **41 sqq.**). It makes a contract invalid in natural law, when it takes away all consent (*e.g.,* when it overpowers the reason, or makes one dissent internally from what is agreed to externally, and probably also when it takes away perfect freedom in a gratuitous contract, or makes one enter into a contract for immunity from an unjust vexation); it renders an act or engagement invalid according to positive law in many special cases (*e.g.,* the Canons declare null elections, resignations, marriages, vows, etc., which are made under the influence of fear). Contracts are considered naturally voidable if one of the parties unjustly extorts the consent of the other by grave fear, or if a third party intimidates a person into bestowing something through gratuitous contract; and the positive law generally treats agreements entered into under grave fear as rescindable (see Canon 103, n. 2). Fear unjustly caused, even though it does not make a contract void or voidable, is at times a reason for the duty of restitution, as when a third party by his unjust threats forces an innocent person to make expensive contracts as a measure of protection, and probably also when a third party directly constrains one to make an onerous contract with a person who knows nothing about the coercion. Fear, no matter how great, does not in any way weaken a contract, if there is consent and the fear is induced by a natural cause (*e.g.*, a storm), or by a human cause acting justly (*e.g.*, an injured man threatening a lawsuit);

(d) *violence* or *coercion,* which is like to fear, the latter being moral force and the former physical force (see **52**). According to natural law, violence invalidates a contract, unless we suppose that it is only concomitant, as when Sempronius uses coercion to make Balbus sign a contract which Balbus is really willing to sign. Positive law does not recognize, or will set aside, agreements made under overpowering constraint (see Canon 103, n. 1).

**1885. Form of Contract.**—The *form* of a contract is the external manner in which, according to the positive law, the internal consent of the parties must be expressed and manifested.

(a) Thus, Canon Law in certain contracts (*e.g.*, engagement of marriage, marriage, alienation of church property) requires specified solemnities under pain of nullity of act.

(b) Civil law in the United States designates various formalities to be used in transfers of property (*e.g.*, that a deed for real estate be written, signed, sealed and attested; that a gift be made by delivery or equivalent act; that certain contracts be in writing; that no contract be of worth unless it be for a consideration, or else be on paper with seal attached). The law has the right to annul informal contracts *ipso facto,* but whether this is the intention in modern codes is a matter of dispute. The practical rule to be followed, then, is that the possessor is to be favored, unless there has been a court decision against his claim. It should be noted, too, that some legal conditions, such as valuable consideration in simple contracts, are required for enforceability, not for validity, and hence a good contract wanting some such condition, though indefensible before the courts, is obligatory in conscience.

**1886. The Accidentals of a Contract.**—(a) *Bond* is the agreement by the obligor of a contract to pay a certain forfeit to the obligee, if the former does not perform his contract or does not perform it before a certain date. This agreement obliges in conscience, if the promise was seriously made, if the penalty is not excessive, and if the breach of agreement is culpable.

(b) *Oaths* added to contracts have moral effects on the contracts themselves and also on acts contrary to them. As regards the contract, an oath adds the obligation of religion to that of justice, if the contract is valid and irrescindable; and the common opinion is that it strengthens a contract extrinsically, that is, it induces an obligation of religion to keep the promise, if the oath is invalid or rescindable by positive law only and in favor of a private privilege; but an oath in no way strengthens a contract that is naturally invalid or rescindable positively on account of the public good. As regards acts that are contrary to an invalid or rescindable contract that was confirmed by a valid oath, they are sinful, as being perjury, but not invalid nor unjust.

(c) *Conditions* are accidents or circumstances so added to a contract that the consent or dissent is made dependent upon their existence or fulfillment. An immoral condition, if unfulfilled, takes from the contract all obligation, exception being made for separable parts that are not affected by the immoral clause; but if it has been fulfilled, it seems that there is a moral obligation to pay the consideration promised (see **1878** d).

(d) *Modes* are accidents or circumstances so added to a contract as to qualify the rights or duties of the contractants, or the purpose, matter or time of the contract, but not so as to make the consent dependent on the fulfillment of the thing designated. Thus, if Titus leaves money to Balbus, chiefly because Balbus is his nephew, and secondarily because he imposes on Balbus the obligation of using the money for his education, Balbus in accepting the money accepts also the obligation, but the gift does not lapse if the obligation is not complied with. If a donor adds an immoral mode to his gift (*e.g.,* that the donee use in immoral ways the money left him), this purpose is regarded as non-existent and the gift stands in spite of it. If an agent violates a mode (*e.g.,* he pays $1001 when he was directed to pay $1000) but not a condition (*e.g.,* that he purchase land and not a house), the contract stands.

**1887. The Moral Obligation of Entering into a Contract.**—(a) There is a duty of justice when one is under public or private engagement to make a contract. Examples are a merchant who opens a store for public patronage, or an auctioneer who holds a sale before invited patrons, or an owner who makes with another person a contract to sell, or a man and woman who make solemn espousals.

(b) There is a duty of charity when a neighbor is in such need that he deserves to be helped, for example, by a loan or by assistance to make a loan: "From him that would borrow of thee turn not away" (Matt., v. 42); "A good man is surety for his neighbor" (Ecclus., xxix. 18).

**1888.** Every valid contract obliges to faithful performance as a duty of conscience, even though it be unenforceable and without civil obligation. We shall discuss the properties of this obligation.

(a) *Quality of the Obligation.*—Onerous contracts oblige in virtue of commutative justice and under pain of restitution; gratuitous contracts oblige according to some from justice, according to others from fidelity, according to others from fidelity or justice as the obligor intends (see **1692, 1753**). In practice one may follow the rule that a liberal promise or wager or other gratuitous contract obliges only from fidelity with no duty of restitution, unless it be certain that the promisor intended to bind himself in justice. One is responsible, however, for damages resultant on breach of promise. The obligation seems to be one of legal justice only when the thing promised is something on which a pecuniary value cannot be set and consists in compliance with law (*e.g.,* in suretyship or bail for keeping the peace or appearing in court).

(b) *Quantity of Obligation.*—In onerous contracts the degree of obligation depends on the importance of the subject-matter, and hence it is a mortal sin to violate a contract in which a grave right is concerned; in gratuitous contracts the degree of obligation depends entirely, according to some, on the will of the person who liberally binds himself, but others hold that it depends on the importance of the subject-matter.

(c) *Subjects of Obligation.*—The parties to the contracts and those who take their place (*e.g.,* heirs, executors) or who are responsible for the contract (*e.g.,* those who commanded the agreement) are morally bound to fulfill the agreement, while others are bound not to interfere with the fulfillment.

(d) *Objects of Obligation.*—Directly, there is the duty of observing what is contained explicitly or implicitly in the agreement, and indirectly of making good any losses caused by breach of contract. A rescindable contract obliges until it is lawfully disaffirmed by the party who has the right to break it; a quasi-contract imposes on the party who has benefited by the services or expenses of another a moral obligation of making compensation. If a contract transfers ownership (*e.g.,* contract of sale passing title to buyer, *mutuum*), the transferee must bear the risks and expenses of the thing transferred; but if it does not transfer ownership (*e.g.,* contract to sell, *commodatum*) or has not yet done so (*e.g.,* contract of sale in which title will pass later, on delivery or payment), the transferer has the risk and expense (see **1796**).

**1889. Cessation of Obligation.**—The obligation of a contract ceases in various ways: (a) by action of the contractants, as when a promisee renounces his right or each of the parties to a promise has made a gratuitous promise in favor of the other and one refuses to keep his word; (b) by action of law, for example, by prescription, by annulment; (c) by impossibility, as when a thing freely promised has become unlawful or useless, or when the donee of a gift *mortis causa* dies before the donor.

**1890. Theft.**—Theft is the secret taking of what belongs to another, with the intention of appropriating it to oneself, against the reasonable wishes of the owner.

(a) It is a *taking,* that is, a carrying away of goods. But theft also includes the receiving or keeping of property, since the harm done is the same as when the goods are carried away. Hence, he who does not restore borrowed or deposited or found objects, or who does not pay back a loan, when he could and should, is a thief.

(b) It is a *secret* taking, that is, the property is taken away without the knowledge of the owner or lawful possessor, even though he be present. In this respect theft differs from robbery.

(c) It is the taking of *property.* This includes not only corporeal things (*e.g.,* books, money, jewelry, clothing), but also incorporeal things (*e.g.,* patents, trademarks, copyrights), and even persons if they are looked on as possessions. Hence, plagiarism or infringement of copyright or man-stealing or kidnapping (*i.e.,* the carrying off of another's slave or child) are forms of theft.

(d) It is the taking of property *that belongs to another,* that is, of goods of which another person is the owner, or lawful possessor as usufructuary, guardian, depositary, etc. Hence, one can steal from oneself by taking one's goods by stealth from the bailee with the design of charging him for their value or of depriving him of their use to which he has a right.

(e) It is the taking away of goods with *the intention of appropriating them* to one's own possession, use or enjoyment to the exclusion of the rightful owner. Hence, strictly speaking, it is not theft to carry away property with the intention of borrowing it for a time or of destroying it; but these are acts of unlawful possession or of unlawful damage. It is obligatory to take an object from another, if this is necessary to prevent the commission of a crime (*e.g.,* to take away and hide the gun with which another intends to kill).

(f) It is *against the wishes of the owner.* This refers to the substance (that is, the conversion of the property to one's use), not to the mode (that is, secrecy with which it is done). Hence, if the owner is unwilling that the property be taken, he who takes it is guilty of theft; if the owner is not unwilling that it be taken, but is unwilling that it be taken without his knowledge, he who takes it in this way sins at least venially, but is not guilty of theft in the strict sense.

(g) It is *against* the *reasonable* wishes of the owner or possessor; for no injury is done if he does or should consent to the loss. The owner does consent if the person who takes the goods is acting according to a general and recognized custom (*e.g.,* when a servant takes things left over from her employer's table, which it is certain the latter does not wish to keep); the owner should consent, if justice forbids that he prevent the taking (*e.g.,* when a starving man is taking food from one who has plenty), or if domestic duty commands that he should give the thing taken (*e.g.,* when a wife takes from her husband's pockets the needed money he denies his family, for a wife and family have the right to receive from the head of the house support according to their station and means). But the owner is not bound to consent to the loss of his goods from the mere fact that he misuses them to his own spiritual disadvantage, or owes them in charity to the taker. Hence, it is theft to take a flask from the pocket of one who drinks too much, or to steal a book from one who is harmed by reading it, or to filch money from a rich man because one is poor and he will not give an alms.

**1891. Unauthorized Use of Another's Funds.**—What is the guilt of one who uses for his own purposes the money of another entrusted to him for other purposes?

(a) There is no theft, for it is supposed that the purpose of the user is to make only a temporary loan of the money.

(b) There is an act of injustice, if the permission of the owner cannot be presumed; for the rights of an owner are violated when one converts his property to uses displeasing to him. Thus, if the prospect is that the owner may never get his money back or that he will lose profits by the use made of it, the guilt of unjust damage is incurred, at least in intention (*e.g.,* a depositary uses a deposit to buy stocks on margin, or a company official makes an unauthorized loan instead of investing the amount for the company's benefit).

(c) There is no sin, if the permission of the owner can be reasonably presumed; for to him who willingly consents no injury is done. Thus, if one who is managing the funds of another has the chance to make a large amount of money today by using those funds for himself but cannot get in touch with the owner, the latter's consent can be presumed, if he will suffer no present loss and it is absolutely certain that his funds will be returned tomorrow. But on account of the risk that is ordinarily present, this case would be rare.

**1892. Comparison of Theft and Robbery.**—(a) They differ in species, for theft contains injustice to an owner in his property, but robbery, which is an unjust and violent taking of what belongs to another, contains injustice both to property and to person. The unwillingness of the owner in the case of theft is due to his ignorance of his loss; in the case of robbery it is due to intimidation or force. (b) They differ in gravity, robbery being according to its nature the more serious kind of stealing; for the robber does a twofold injury, and the owner's unwillingness to be robbed is greater.

**1893. Kinds of Theft and Robbery.**—(a) There are many varieties of theft, the differences arising from the circumstances in which the stealing is done. Thus, he who steals from the Church is guilty of sacrilegious theft; he who uses the public goods for his private ends commits peculation; he who takes from his parents practises domestic thievery.

(b) There are also many ways in which robbery or rapine is committed. The following persons are guilty of robbery: pirates, bandits, highwaymen, burglars, usurers, profiteers, venal judges, unmerciful creditors who deprive debtors of necessaries, debtors who escape payment by fraudulent bankruptcy, profitcers, laborers who extort unjust wages, those who force subordinates to contribute graft, and blackmailers. Two forms of robbery are described in Scripture as sins that cry to heaven for justice, namely, defrauding laborers of their wages (James, v. 4) and oppression of the poor, which happens especially when one denies their rights to those who are unable to defend them. The following persons are also classed as thieves: pickpockets, spongers, smugglers, forgers, counterfeiters, embezzlers, and those who misappropriate funds entrusted to them.

In the civil law theft is also known as larceny, and is defined as the unlawful severance of personal property from the possession of its owner. The following kinds of larceny are distinguished:

($\alpha$) in respect to the manner of perpetration, a theft is larceny when the property is taken from the possession of the owner by one who had no possession, whether the latter be a stranger or a custodian; it is embezzlement when committed by one upon whom the owner had conferred temporary possession on account of a fiduciary relationship between them; it is false pretence when committed by one who procures permanent possession or ownership through fraudulent representations;

($\beta$) in respect to the matter or quantity stolen, theft is called petit larceny when it falls below a certain sum fixed by the law ($50 in New York State), grand larceny when it exceeds that sum.

**1894. The Sinfulness of Theft.**—(a) From its nature theft—and, much more, robbery—is a grave sin; for it is opposed to the virtues of charity and justice, it is expressly forbidden in the Seventh Commandment ("Thou shalt not steal," Exod., xx. 15), and it excludes from eternal life ("Neither thieves nor extortioners shall possess the kingdom of God," I Cor., vi. 10). The thief attacks the sacred right of the individual to his property, and imperils the peace and stability of society itself. Theft is a grave sin, even when it is committed by little and little, as happens when a merchant gives underweight habitually: "A deceitful balance is an abomination to the Lord" (Prov., xi. 1). The proposition that restitution for a large sum taken in parts at different times is not a grave duty was condemned by Innocent XI (Denzinger, 1055). Canonical penalties for theft include exclusion from acts and offices, censures, and deposition (Canon 2354).

(b) From the imperfection of the act theft may be only a venial sin, for example, when the thief is a kleptomaniac and steals without advertence, or when he is invincibly ignorant that the thing taken is not his own or is of great value, or from the smallness of the matter involved (*e.g.*, when the thing taken has little value, or the owner is opposed rather to the stealthy manner of taking than to the taking, or is only slightly unwilling to lose the goods).

**1895.** Theft of a small amount may be a mortal sin (see **187**). This may happen: (a) on account of the internal or subjective circumstances, as when the thief intends to steal as much as he can or a large amount here and now, or when he intends to steal a small amount here and now but to keep this up every day until he has stolen a considerable amount, or when a child steals a small sum from its parents and falsely thinks that the theft is gravely sinful in itself; (b) on account of external or objective circumstances, as when the amount taken today is small but constitutes, with amounts previously taken, a large sum, or when the thief foresees serious consequences from his act (*e.g.*, that the person from whom the goods are taken will fall under suspicion and be discharged or arrested). It should be noted, however, that the consequences of the theft do not necessarily make the sin grave precisely as it is a sin of theft (*e.g.*, in the case just given the theft was a venial sin, but the unjust damage was a mortal sin), or even precisely as it is a sin of injustice (*e.g.*, if one steals a picture of small value, foreseeing that the owner will be afflicted beyond measure at the loss, the sin against justice is small, but the sin against charity is mortal).

**1896.** The determination of the amount that constitutes grave matter in theft or robbery (or in unjust damage) is a very difficult task, because the factors upon which the injury depends are to some extent doubtful and vary in particular cases.

Hence, there is a great diversity of opinion among moralists on this subject, and it will frequently be uncertain in an individual case whether a theft is mortally or only venially sinful in itself. But on account of the spiritual and temporal interests that are concerned it is necessary to give at least general rules for direction that will enable one to distinguish between grave and venial theft, and to know when the duty of restitution is serious, when light.

**1897.** Moralists are in agreement on the following points:

(a) the standard for measuring gravity of matter is not an invariable one, but will differ according to circumstances of times and places. Thus, money has much less purchasing power today than it had before the Civil War, and the same amount will not go so far nor last so long in the United States as in some countries of Europe. Hence, other things being equal, it is less harmful to steal the sum of $10 in 1930 than it was to steal the same sum in 1830, less harmful to steal that amount from an American than to steal its equivalent from a European;

(b) the standard for a particular country and period is to be interpreted morally, not mathematically; for it depends on the opinions or estimates of the prudent, which after all are only approximations and subject to revisions. Hence, it would be absurd to draw such a hard and fast distinction between grave and venial theft—for example, to decide from the amounts alone that he who stole $10 is certainly guilty of mortal sin and fit for hell, while he who stole $9.99 is guilty of venial sin only and not fit for hell. The figures given by moralists for grave matter are averages, and hence they cannot be expected to suit each individual locality or moment or injured person. But, being based on actual conditions, they are serviceable. If a sum stolen is much above or below them, they indicate truly the theological species of the sin; if it is only a little above or below them, they afford a basis for probability, or at least show that there is room for doubt.

**1898.** Moralists are also at one in measuring the injury of theft by the following considerations:

(a) it should be estimated by the property loss, that is, that theft should be deemed a grave sin which in view of all the circumstances and the common opinion inflicts a notable loss on the owner in his property rights. This is a matter of common sense, for every one can see that it is a very different thing to steal a cent and to steal $100;

(b) it should be estimated by the personal injury, that is, by the unwillingness of the proprietor to suffer the loss. This is also clear, since the unwillingness of the proprietor is one of the ingredients of theft, as was explained above in the definition, and everyone will readily grant that an amount which would be notable if stolen from a stranger, would not be notable if stolen from an indulgent parent.

**1899.** There are two opinions about the estimation of the property loss.

(a) Thus, an older opinion held that the standard should be an absolute one, that is, that the loss should be determined independently of the wealth or poverty of the person injured, since the financial situation of this person is a purely extrinsic circumstance of the theft. The rich man has just as much right to his $10 as the poor man has to his $10, and it is therefore just as injurious to deprive the former of the sum as it is to deprive the latter. What is a mortal theft in one case is a mortal theft in every case.

(b) A later opinion, which seems to be the common one today, distinguishes two standards: an absolute one, which fixes one highest amount that is always grave matter on account of its magnitude, however wealthy the loser may be, and a relative one, which proposes a scale of lower amounts that are grave matter on account of the economic condition of the persons stolen from. It is argued that a relative standard should be set up, since the injury of theft is certainly felt more by those who have less means to fall back on; and that an absolute standard is also necessary, since without it the property of the rich would not be sufficiently safeguarded and the peace and order of society would be endangered.

**1900. Opinions on the Amounts that Are Grave Matter.**—(a) The *older opinion,* according to which there is only one invariable standard for all classes and conditions, regards as grave matter the amount necessary to support for a day, according to his state and obligations, a man whose financial condition is midway between wealth and poverty; for the loss of a day's support is usually looked on as a serious loss, and a standard for all should be taken from the average. This daily support amount may be reckoned from the amount of daily wages or income. In the United States in 1925 the average daily wage was between $4 and $5, but, if only skilled laborers or those who are in moderately prosperous circumstances are considered, the average would be considerably higher. Perhaps it would range between $10 and $15. Or if we strike a medium between the highest and the lowest figures given by the advocates of two standards, we should arrive at approximately $16 or $18.

(b) The *common opinion* today fixes the absolute amount, which is grave matter even when theft is from the wealthiest person or society, above the daily earnings of a highly paid worker, but below the daily income of a very wealthy person; for the loss of the worker's salary would not be a serious damage to a rich man, but both the rich man and society would be insufficiently protected if the figure were much above that. Relatively grave matter corresponds with the amount needed to support the owner and his family for a day, or, according to some, the amount required for the support of the owner alone. In this country absolutely grave matter is rated around $35, while relatively grave matter is as low as 25 cents or 50 cents for beggars and ascends to $35 for the most wealthy. Amounts between these lowest and highest sums are relatively grave matter when they deprive the individual of his daily support or earnings. Relatively grave matter is then rated according to the daily earning power or expenses of those who do not belong to the wealthiest classes (*i.e.*, of the well-to-do), of those who just make a living, and of those who depend on charity.

**1901.** What is grave matter in theft of sacred objects? (a) If these objects have a value that may be measured by money (*e.g.*, the gold or jewels that enter into a reliquary), grave matter is estimated by the material value, just as in profane objects. (b) If these objects have no monetary value (*e.g.*, sacred relics), grave matter is judged from the dignity or rarity of the object. Thus, it would be a serious sin to steal even the smallest splinter from the True Cross.

**1902.** It was said above (**1898**) that the gravity of theft is estimated, not only by the property loss, but also by the personal loss, that is, the reluctance, unwillingness or sorrow of the owner at the deprivation of his goods. This does not mean that a greater unwillingness on the part of the owner increases the gravity of the theft, if the owner's unwillingness is excessive or unreasonable (*e.g.*, it is not a mortal sin of theft to steal a dollar from a miser, if the miser on account of his love of money feels the loss as keenly as another person in his place would feel the loss of $40). But a less unwillingness of the owner diminishes the injury, and hence increases the amount necessary for grave matter. There are three reasons especially that diminish the unwillingness of the owner at the loss of his property.

(a) Thus, by reason of the persons who steal, the owner is less unwilling when these persons have a greater claim on his affection (*e.g.*, his children or wife), or when custom permits them to some extent a greater freedom than is granted to others (*e.g.*, servants, employees).

(b) By reason of the things stolen, the owner is less unwilling when these are things of less value, like crops, that are produced mostly by nature and are left exposed, such as fruits growing by the wayside, branches and pieces of fallen timber lying on uncultivated land.

(c) By reason of the manner of the theft, the owner is usually less unwilling when goods are taken gradually and on several occasions, or piecemeal, than when they are taken all at once.

**1903. The Common Opinion on Domestic Thefts and Grave Matter.**—(a) In theft from one's parents about double the usual quantity is required. .But in an individual case the parents may be just as unwilling, and with good reason, to be despoiled by members of the family as by outsiders, and in such a case the rule would not apply. Hence, in considering thefts by children one must bear in mind the ability of the family to suffer the loss, the number of the children, the uses to which the stolen goods are put, the liberality or thrift of the parents, the affection or dislike which the parents have for the child who steals, etc. Thus, if poor parents are denying themselves in every way in order to rear and educate a large family, thefts from them are a serious matter.

(b) In theft from one's husband even a greater amount is required. But there are exceptions, as when the husband is especially unwilling to have his property stolen by his wife, for example, when the money she takes is devoted, not to the benefit of the family or other useful purposes, but to vanity or sin, or to the great detriment of the husband or family (see **1799**).

**1904. Theft from One's Wife or Minor Child.**—(a) According to the law in the United States, a wife cannot steal from her husband nor the husband from the wife, but this principle has reference to the common property of which husband and wife are joint tenants (Robinson, *Elementary Law,* § 563). Both husband and wife may have also their own separate property, and in that case either of them is guilty of injustice if he or she damages or takes without leave the goods of the other.

(b) According to American law, the father has the right to the earnings of his minor children who live with him and receive their maintenance from him; but the law gives the father no right over the separate real or personal estate of these children. Hence, a parent would be guilty of theft if he unlawfully took or used the individual property of his child.

**1905. The Common Opinion on Thefts Committed by Employees.**—(a) If the things stolen are small articles which the employer customarily supplies for his help (*e.g.,* food and drink for domestic servants, pencils and paper for his clerks), the theft is not serious as a rule. But there are exceptions, as when the employee gives or sells to others these articles, or when he uses or wastes them to such a degree that the employer suffers a considerable loss. And one should also consider such circumstances as the great or small value of the services given by the employee, his good or bad standing with the employer, etc.

(b) If the thing stolen is not meant for consumption (*e.g.*, furnishings of the home or office, merchandise of the store, tools or machinery of the factory) or is of a very precious kind (*e.g.*, rare wines or expensive brands of tobacco), grave matter is of the same amount as when an outside person does the stealing. In fact, the guilt of the employee is more serious on account of his abuse of confidence or violation of contract. The property of employers would be subject to constant risk, if employees were permitted greater liberties than outsiders.

**1906. Theft of Things about Whose Loss the Owner Is Less Concerned.**—(a) *Vegetation that Belongs to the Public and Is Left Unprotected.*—If these things are of minor importance (*e.g.*, wild fruits or berries, broken twigs, branches, etc., in public lands), it seems that it is not theft to take them, at least when one is poor and a member of the community; for laws against such acts are generally regarded as penal. But one sins, and may even sin gravely, when extensive damage is done to public property (*e.g.*, by cutting down trees, carrying away flowers and plants, injuring shrubs, etc.).

(b) *Vegetation that Belongs to Private Parties and Is Left Unprotected.*—If only a small quantity is taken (*e.g.*, an apple or a bunch of grapes hanging over a public highway taken by a passerby), it seems no theft is done, unless the owner or law expressly forbids. But it seems to be a venial sin to take more (*e.g.*, as much as a hungry person can eat), and a mortal sin to take a quantity whose market value is equal to grave matter.

**1907. Travelling Without Paying Fare.**—Is it theft to ride in public conveyances without paying the fare?

(a) If one rides without payment or ticket, it seems that theft is committed, unless the company is willing to give a free ride. It may be said that the company suffers no loss on account of one passenger who has not paid for his transportation, since the same number of cars and the same expenses would be required even without that passenger. But since the owners are unwilling to furnish their service gratis, he who takes it without pay is guilty of theft.

(b) If one rides without payment, but uses the ticket of another, there is no injustice if the rules of the company permit this (*e.g.*, A buys a round-trip ticket, but gives the return ticket to B), but there is fraud if the rules of the company and the agreement of the purchaser make the ticket non-transferable (*e.g.*, B uses the half-rate ticket which A had received as a personal privilege from the railroad company).

**1908. Small Thefts Which Amount to a Large Sum.**—Small amounts stolen may accumulate into a large amount. This happens in the following ways: (a) the thief takes small sums on different occasions from the same person or from different persons, and continues at this until he has stolen a considerable amount; (b) the thief conspires with other thieves to steal on the same occasion from one person or several persons, and, though the sum he steals is small, the sum taken by the whole group is considerable. Similarly, petty damages or vexations may accumulate into a mortal injustice. Thus, if Claudius, aiming to break down the health, sanity, success, reputation, business, etc., of Balbus, plans and carries out a systematic campaign of small injuries daily repeated for years, Claudius is guilty at least in purpose of serious damage.

**1909.** Small thefts that grow into a large theft are mortally sinful in the following cases:

(a) they are mortally sinful by reason of the previous intention when one steals a little now and a little again, but has it in mind from the outset to steal a total sum that will be grave matter, or when one conspires with others to steal a notable sum, although one's own share will not be a notable amount. In these cases the purpose is to commit a grave injustice, either against an individual (if all is taken from one person) or against society (if portions are taken from various persons), and hence one is internally guilty of grave sin, even though one has not yet performed it externally. Examples are merchants who use false weights and measures, or who adulterate their commodities with small portions of water, etc., and thus make large profits by minute cheating;

(b) they are mortally sinful by reason of the subsequent intention when one had no purpose to steal a large amount, but adverts to the fact that a small theft here and now committed will constitute grave matter if added to previous petty thefts, or that the amount of stolen goods now possessed is large, and nevertheless resolves to go ahead with the theft or to retain the stolen goods. This does not mean that a number of venial sins coalesce into a mortal sin (see **189**), but only that the object of a sin which is slight in itself becomes serious on account of the circumstance that it is morally connected with previous sins. The last act in a connected series must not be taken singly, but in connection with the acts that precede, as is seen in the violation of a fast or in omission of parts of an hour. In the cases now considered, therefore, grave injustice is actually and purposely done, and mortal sin is committed, even though there was no thought of this in advance.

**1910.** The case of young men who are educated free of charge in the expectation that they will go on to the priesthood and who do not persevere.—(a) If they act in bad faith (*i.e.,* if they enter the college or seminary merely to get their education, or to avoid work, or if they remain after they have abandoned thought of the clerical state), they are guilty of theft and bound to restitution.

(b) If they are not in bad faith (*i.e.,* if they wish to try out their vocation, or if they begin with the intention to persevere), they are not guilty of injustice. This is true, even though they are rejected on account of idleness or other faults, provided there was no intention to defraud.

**1911.** In the following cases small thefts which added to others make a large sum seem not to be the cause of grave loss, and hence not mortally sinful:

(a) the small theft of one person following on the small thefts of others, when there is no bond of example, advice, conspiracy, etc., to unite the various thefts; for none of the thieves can be held responsible for the part of the loss caused by the others. Example: Titus, knowing that Balbus has been cheated by various persons to the amount of $9 and that $10 will be a serious loss to Balbus, proceeds to steal $1 from Balbus;

(b) the small thefts of several persons who steal together, and who influence one another only by example; for example is an occasion, not a true cause of the imitator's act (see **1447, 1763**). Example: Sempronius and Claudius go into a store together and find that there is no one around. Sempronius thereupon steals a number of articles and leaves. Claudius notices this and steals other things, which will make the total loss serious.

**1912. Moral Connection between Repeated Acts of Theft.**—The moral connection between repeated acts of theft by one person is necessary, as was said, in order that these acts unite into one grave sin. This moral connection does not exist, however, if the series is broken by interruption or revocation.

(a) Thus, the connection is broken by interruption when there is a long interval between small thefts, because thefts that are small and infrequent do not inflict severe loss on individuals or society. This supposes, of course, that there is no intention to practise small thievery habitually in order to become enriched by it, but that one steals now and then as opportunity or necessity occurs, or (according to some) that one intends to steal only small amounts and at long intervals.

(b) The connection is also broken by restitution or revocation. It is clear that, if the thief has given back his former thefts, they should not be computed with later thefts; and it seems also—though some do not admit this—that, if he has sincerely resolved to give back things taken before (*e.g.*, things which are useless for him), there is no moral connection between the past thefts and a theft he is committing now.

**1913. Interval of Time between Acts of Theft.**—The interval of time that breaks the connection between small thefts cannot be determined with mathematical exactness, but the following rule seems to be accurate enough: thefts combine to form a great theft only when considerable property is taken by degrees, but within such a brief period of time as to be of notable advantage to the thief and of notable disadvantage to the loser. Some moralists think that six months is a long space, sufficient to prevent union between thefts, but that two months is too short a space to prevent the union; others, on the contrary, believe that the amounts stolen should be taken into consideration; and hence that the following intervals between thefts separate them into distinct venial sins without coalescence:

(a) a period of one year between thefts, each of which almost amounts to grave matter, when the property is kept (*e.g.*, when a dressmaker who has kept not a little of her patron's material of a twelvemonth ago does the same thing again this year);

(b) a period of two months, when the matters are almost grave, but the property is not kept (*e.g.*, when a thief who beat a restaurant out of the price of a very elaborate meal at the beginning of January does the same thing at the beginning of March). But it is hard to see how one could have the habit of stealing in this way and not have the intention of stealing a large amount, for a person who steals what is almost grave matter every two months or so must realize that he will shortly be enriched to a considerable extent by his dishonesty. Moreover, the interval of two months might be needed by the thief for avoiding suspicion;

(c) a period of one month, when the thing stolen falls far short of grave matter (*e.g.*, a meal of simple fare plainly cooked and served);

(d) a period of about two weeks, when the matters are very small (*e.g.*, when a thief takes a few secret sips from a wine bottle on each of his fortnightly visits to a certain house, or carries away some trifling object as a souvenir). These thefts would not surpass five or ten cents a month:

(e) some authors think that one week or perhaps even one day will prevent coalescence between extremely small thefts; and surely there are some paltry objects (*e.g.*, a pin or needle, a match, a small lump of coal, a piece of string) which would not total a large value even after many years have passed.

**1914. Species and Number of Petty Thefts that Coalesce into Grave Matter.**—(a) If the thefts proceed from a previously formed purpose of stealing by installments a large sum, each of them is a mortal sin, but they do not form numerically distinct sins, unless there was a revocation of the intent (see **214, 215**).

(b) If the thefts did not proceed from a previously formed plan, those that preceded the culminating theft (*i.e.,* the one whose addition makes the quantity grave) are so many separate venial sins of theft. The culminating theft is a mortal sin, if the thief adverts to the fact that he has now stolen a notable sum; otherwise it is a venial sin. The act, after the gravity of the matter has been noticed, is the initial mortal sin, if it means consent to the grave injustice done (*e.g.,* retention of the ill-gotten goods, intention not to make restitution); it is an additional mortal sin, if it means a renewal of consent to the grave injustice previously done (*e.g.,* the theft of a new small amount with the purpose of keeping it as well as the rest).

**1915. Sum Required for Grave Matter in Petty Thefts that Coalesce.**—(a) According to one opinion, it is always larger than the sum required for grave matter in a theft of the same amount on a single occasion; for the owner does not feel the loss so much when his goods are stolen in small amounts and at different times. Thus, a man is less unwilling to have $100 stolen from him through pilferings of cents and dollars over a period of a year or two than to have it all stolen from him on one day.

(b) According to another opinion, grave matter for petty thefts is not larger than grave matter for large thefts of the same amount, if the petty thief had the intention all along to accumulate a notable sum. But some who are of this opinion make an exception for the case when the petty thief steals not from one but from several owners, for in this way the loss is distributed and less harm done. Grave matter in this case, they say, is the same as absolutely grave matter.

**1916.** There are various opinions on the amounts required for grave matter in the case of petty thefts that coalesce. (a) If all the thefts are against the same person, the usual opinion fixes grave matter at one and one-half times or twice the amount fixed for large thefts. Some authors limit this to cases wherein the thief had not the purpose from the beginning to steal a great amount (see **1915**), and some state that the amount for large thefts which is considered is the relative, not the absolute sum. (b) If the thefts are against different persons, some think that grave matter is the same as the absolute matter of one large theft, while others make it one and one-half times or twice that amount. Here again some moralists limit these increases in the sum for grave matter to cases wherein there was no purpose from the beginning to steal a notable amount.

**1917. Theft from Joint Owners.**—Is it a grave sin to steal a considerable amount of property that belongs to joint owners? (a) If the amount taken is absolutely grave, the sin is serious for the reasons given in **1898 sqq.**; (b) if the amount taken is relatively grave (*e.g.,* because a community is very poor, or because the owners are only two or three and the individual loss is heavy), the sin is serious; (c) if the amount taken is not relatively grave, as happens when an organization is not poor and has many members or when the loss will be so distributed among the joint owners as to be little felt by them individually, the sin is not serious.

**1918. Restitution in Cases of Theft.**—(a) Restitution is owed for the property stolen. He who stole a serious amount but gave back part, retaining only what is light matter, is bound under venial sin to restore the rest. Confessors should urge restitution even of small amounts, when possible, in order to deter men from theft, and it may sometimes be useful to require children to seek a condonation from their parents for a similar reason. (b) Restitution is owed also for damage caused by the theft (see **1895**). Thus, if one steals the tool of a poor farmer, which is of little value in itself but which brings on him a serious loss, one is responsible for the loss as well as for the tool.

**1919. Cases of Doubt.**—(a) *Doubts of Law.*—The rules given by moralists on grave matter in thefts are not to be regarded as certain and authentic, since they are only the opinions of theologians, and have no obligatory sanction from the Church. They are reasonable and well founded, indeed, but in spite of them there will occur cases wherein it is doubtful whether a theft is mortal or venial (see **1896**). It is no disgrace to be ignorant in such difficult cases, for St. Augustine himself admitted that he did not always know where to draw the line. Hence, confessors should not feel obliged to decide with finality in every instance whether the sin committed was in itself grave or light; on the contrary, it will sometimes be necessary to avoid a definite answer, while calling attention to the sinfulness of all theft and the duty of restitution. But the obligation of restitution should not be imposed as certain, where the doctors disagree.

(b) *Doubts of Fact.*—The application of the rules for grave matter will also be at times very difficult on account of uncertainties about circumstances of time, person, etc. In such cases one must have recourse to the systems for decision in the presence of a doubtful conscience. If a thief does not know from whom he stole, it may be doubtful whether the matter is relatively grave or only light; but the presumption then will be that the loser was a person of average means. Again, when there is a strong likelihood that an owner was not greatly unwilling, one must insist that the thefts cease for the future, but one cannot always impose restitution. If a petty thief does not know how much he stole, or whether all the thefts were from the same person, or whether the intervals between the thefts were great or small, or whether he had the intention from the outset to take a large sum, the confessor will have to form an opinion by questioning the penitent on the time of his last confession, the amounts he generally took, the general frequency of the thefts, etc.

**1920. Conversion of Others' Property.**—The conversion of property owned by others or held by them may be permitted, or at least tolerated, when the owner or possessor would be unreasonable if he objected as in the following cases:

(a) in extreme necessity, for according to natural law each one has the right to preserve his life by using the temporal things of the earth (see **1571**). In danger of death things necessary for escaping the danger become common property, and no injury is done by the person in danger if he uses the goods of another person to save his own life;

(b) in certain cases when occult compensation is the only way in which one can defend or secure one's right to property, for it is not wrong to take what is one's due, if this is done without harm to the rights of others.

**1921. Conditions for Lawful Occupation of the Goods of Others in Extreme Need.**—(a) The occupation must be necessary for securing one's own or another's natural right to some supreme good, such as life or what is almost the equivalent of life (*e.g.*, freedom from cruel restraint, escape from fearful disease). A supreme good is at stake, then, when one is in extreme, quasi-extreme, or most grave need (see **1236**), that is, exposed to the certain or very probable peril of losing life, limbs, liberty, sight, chastity, etc.; occupation is necessary when there is no other way (*e.g.*, by begging) to avert the danger.

(b) The occupation must be made without detriment to the rights of others. Hence, one may not occupy more than is really necessary to escape the danger; one may not occupy at all if the owner is situated in an equal danger (*e.g.*, one may not take the plank from a man in danger of drowning in order to save oneself); one may not retain the thing taken, if the danger has passed (*e.g.*, one who commandeered his neighbor's car in order to escape from a thug must return the car). The neglect tc ask permission, however, does not exceed a venial sin and does not impose the duty of restitution, if there is a real reason for occupation. One may not take the goods without permission, if this can be obtained without too much difficulty; nor forcibly, if possession can be had peaceably.

**1922. Restitution for Occupied Goods.**—Is the occupier bound to restitution for occupied goods that were consumed (*e.g.*, food and drink), if he afterwards becomes able to pay for them?

(a) If the occupier had no prospect at the time of ever being able to pay for what he took, he is not bound to restitution—not because of possession, since the thing has perished, nor because of the taking, since there was no onerous contract, nor because of injury, since he acted within his rights. The owner cannot complain at this, since charity obliges him to give of his own free will to one who is in supreme need and not to expect that the alms be paid back, while justice forbids that he impede the appropriation of what is needed by the person in distress. It seems, however, that a case of this character would rarely happen, and, if it did happen, the more decent thing would be to pay for what was used. Some moralists think that more probably there would be an obligation of justice to do this, since occupation is lawful only in so far as it is necessary.

(b) If the occupier had the prospect at the time of being able to pay for what he took, he is bound to restitution; for one should not occupy more than is necessary, and, if a loan suffices to tide one over a difficulty, it is not right to expect a gift. Hence, men who raid bakery shops in times of food shortage, are bound to make restitution to the bakers when able.

**1923. Occupation in the Case of Merely Grave Necessity.**— Is it lawful to occupy in merely grave or ordinary necessity? (a) This is not lawful, for otherwise the doors would be opened to thefts without number, and both the security of property and the peace of the public would be at an end. Innocent XI condemned the proposition that it is permissible to steal in great need (Denzinger, n. 1186). (b) Such occupation is less sinful than to occupy without necessity, and indeed the theft may be only venial if one is in grave need and has vainly sought work or charity to relieve the difficulty, as when a poor man who is not able to give his children all the food they need steals provisions now and then.

**1924. Occupation of a Large Sum by One in Dire Need.**— (a) One opinion holds that even for the sake of avoiding death this is not permissible, for one has no right to extraordinary means for the protection of one's life.

(b) A second opinion maintains that this occupation is lawful, under the conditions given in **1921**; for life is more precious than even a large sum of money, and in such extreme need property right yields to the right to life.

(c) A third opinion distinguishes between the case in which extreme necessity is proximate or urgent (*e.g.*, an unarmed watchman is threatened with instant death if he does not hand over at once the money he has in charge) and the case in which it is only remote (*e.g.*, the doctor tells a poor man that he will die shortly from tuberculosis unless he goes to a more healthy altitude, but the patient is too poor to follow these instructions). In the former case the person in need may take what is necessary (on account of the reasons for the second opinion and also because the civil laws allow this), but he is not bound to do so (on account of the reasons for the first opinion); in the latter case, more probably he has no right to occupation, for this would be prejudicial to the public welfare and is moreover strictly forbidden by civil laws (see **1571, 1253**).

**1925. Duty of the Owner towards One in Dire Need.**—(a) In charity the owner is bound to come to the aid of the needy person; but, if he neglects this duty, he does not offend justice and is not held to restitution (see **1240, 1753**). (b) In justice the owner is bound not to prevent the needy person from taking or using what he is entitled to; but should the owner do this and the necessity cease, there is no duty of restitution, for the right of the needy person ends with the necessity.

**1926. Lawfulness of Receiving Support from a Thief.**—Is it lawful for the wife and family to receive support from the head of the family, when he is a thief?

(a) It is lawful when the persons stolen from are not thus deprived of their goods or of the prospect of restitution. This happens when the actual support does not come from the stolen property, and the thief is able to make restitution from other property that belongs to him, or the wife and children earn as much for the family by their work as they receive in support. In this case the family may take from the thief even things that are not necessary for their support.

(b) It is lawful when the persons stolen from are deprived of restitution, but the obligation of restitution has ceased on account of grave necessity (see **1797**). This happens when the support does not actually come from the stolen property, but the thief is unable to make restitution from his own property without depriving his own family who are in grave need. In this case the family may take from the thief only such things as are necessary for them according to their station in life.

(c) It is lawful when the persons stolen from are deprived of their goods, but the right to occupy these goods has arisen on account of the extreme necessity of the family (see **1920 sqq.**). This happens when the support comes from the stolen property itself. But the family may use only what is really necessary for the relief of their dire distress.

**1927. Compensation.**—Compensation is of two kinds, strict or legal and wide or extra-legal.

(a) In a strict sense, compensation is counterclaim, or the comparison of the debts of two persons to one another with a view to the cancellation of one or of both debts. This method of extinction of debt is allowed by law in order to reduce the amount and expenses of litigation. It is known as *recoupment* or *offset* when a defendant brings a cross-action against a plaintiff for non-fulfillment by the latter of some part of the contract in controversy, and as *set-off* when the defendant introduces the debt owed to him over against the debts sued for by the plaintiff. Counterclaim is just when no injury is done to one party (*e.g.,* it would be unjust to keep the horse of Titus which you had borrowed, simply because Titus owed you a debt equal to the value of the horse, for the horse might be worth more to Titus); it is legal when recognized by the law (cfr. **1797, 1798**).

(b) In a wide sense, compensation is the summary recovery by a creditor of the thing or the debt owed him by the debtor. The recovery is summary in the sense that the creditor does not go to law, or proceed according to law, but takes from the debtor either openly (open compensation) or secretly (occult compensation) what is owed.

**1928. Lawfulness of Occult Compensation.**—(a) Ordinarily, or *per se,* it is not lawful; for it contains such evils as disregard of due process of law, scandal, infamy, public disturbance, the menace that the common good will be harmed by frequent abuse, the danger that the debtor will suffer loss through a second payment of the same debt, etc. Innocent XI condemned the proposition that domestic servants may practise occult compensation when they decide that their services are worth more than the salary they are receiving (Denzinger, n. 1054).

(b) Exceptionally, or *per accidens,* it is lawful; for under certain conditions it offends neither public nor private welfare and it is necessary for the vindication of a right. Just as the natural law gives authority to occupy the goods of another in case of extreme need, so does it justify occult compensation in the special cases just mentioned.

**1929. Unlawful Occult Compensation and Restitution.**—Does unlawful occult compensation oblige one to restitution? (a) If the compensation is not only unlawful but also injurious (*e.g.,* a servant takes what is not due her under the pretext of compensation), it is not rightly called compensation, but is really theft, and restitution is due. (b) If the compensation is unlawful but not injurious (*e.g.,* a servant takes what is really due her, but she could have obtained it by asking for it), there is no theft or duty of restitution, since the property of another was not stolen.

**1930. Conditions Required by Commutative Justice for Occult Compensation.**—(a) *Before the Compensation.*—There must be a strict right to the thing taken; for, if there is no such right, one takes what belongs to another against his will, or commits theft. Hence, if an employer has freely promised to make a gift to his servant and then fails to keep the promise, the servant has no right to take what was promised, since it is owed from liberality or fidelity or gratitude, but not from commutative justice. The same applies to a non-necessary heir who has been left nothing in a will, since he had no strict right. It is also unjust to take secret compensation for a debt that has not yet fallen due.

(b) *During the Compensation.*—No wrong must be done to the debtor (*e.g.,* by taking more than is due, by taking an article which the debtor needs for earning his living) or to third parties (*e.g.,* by taking goods deposited by them with the debtor). If possible, compensation should be made from goods of the same nature and kind as those that were taken or damaged, for the debtor should not be forced to part with things he wishes to retain and which are not necessary for the creditor's satisfaction.

(c) *After the Compensation.*—One must avoid injury to the debtor (*e.g.*, the keeping of a payment which is now not owed by him and which one can refuse or return to him) and to third parties (*e.g.*, the casting of suspicion on a servant in order to divert attention from one's act of occult compensation).

**1931.** Must the strictness of the right be morally certain, or, in other words, must reasonable doubt of fact and of law be excluded?

(a) As to doubt of fact, it must be excluded; for in such doubt the presumption is with the possessor, or at least it is certainly wrong to perform an act that will probably be injurious to another person (see **713**). Moreover, everyone can see that the public good would suffer greatly, if occult compensation were permissible when the existence of a debt is uncertain. Hence, if it is only probable that one sold goods to another person or that another person has not yet paid for services received by him, occult compensation must be avoided.

(b) As to pure doubt of law, the question is controverted. Some think that it also must be excluded, since the possessor should not be deprived of possession unless it is certain that there is a right to do this. Others think that occult compensation may be used in spite of a mere doubt of law, if the doubt concerns only the mode of making the compensation, or if the probability in favor of the creditor is so strong that a judge could conscientiously decide for him against the possessor. Examples of doubts of law here are three cases that are in dispute among authors, namely, whether one may take money as compensation for defamation that will not be repaired by restoration of fame (see **1802, 1803**), whether one may deny reparation for defamation when one has been defamed by the other party and has not received restitution, whether one has rights to a legacy of which one is deprived on account of a mere informality in the document. In these cases the right is held by some authorities to be probable, but the decision in a particular instance should be made only on the advice of a learned and conscientious person, since the matter is very complicated and there is great danger of self-deception.

**1932. Some Cases in Which There Is a Strict Right to Compensation.**—(a) *Employees* (*i.e.*, servants, workingmen, artisans, officials, etc.) have a strict right when they are injured by the employer's non-observance of the contract (*e.g.*, the stipulated salary is not paid; unjust subtractions are made from the salary, as by fines for the inadvertent and infrequent breaking of tools, etc., about which there was no agreement in the contract; labors not contracted for are exacted), or when an unjust contract is imposed on them (*e.g.*, they are induced by force or threats to accept less than a living wage; advantage is taken of their grave necessity to wring from them agreement to such a wage).

(b) *Merchants* have a strict right when a debt which they cannot collect is certainly owed them, or when they sold below the minimum just price, because forced to this unjustly, or because they made a mistake in charging. They may compensate themselves by diminishing weights or measurements.

(c) One has a right to compensation who has been condemned under a sentence manifestly unjust, because the law is certainly unjust or because the judge clearly gave a wrong decision in a matter of fact (*e.g.*, he erroneously presumed that a debt had been contracted, or that it had not been paid).

**1933. Some Cases in Which There Is No Right to Compensation.**—(a) Employees have no right to compensation for subtractions from their salary, if they culpably injure the property of their employer, or if they agreed to such subtractions; nor for the smallness of their wage, if they freely accepted it (*e.g.*, if they regarded it as a favor to be employed, and the employer did not really need them), or if it is made up for by presents, board or lodging, opportunity for good tips, etc.; nor for unusual labors, if they hired themselves out for general service (unless they are asked to perform work of an entirely unforeseen kind, such as a very perilous mission), or if they undertook these labors freely without the knowledge or wish (express or tacit) of the employer.

(b) Merchants have no right to compensation for goods sold by them below the minimum just price, if they freely agreed to sell at that price.

**1934. Children and Employees and Compensation.**—Some special questions arise for consideration in case of parents who employ their own children, and of employers who are forced to underpay on account of the dishonesty of their help.

(a) Children who work for their parents and who are entitled to a salary, by agreement or from the law, have the same rights as other employees, but injustice against them would be less frequent. In this country the father has a right to the services and wages of his unemancipated child, but the child becomes independent of the father when it reaches the age of majority or when the father relinquishes his right.

(b) Employees who are underpaid because the employer is cheated by his help have the right to occult compensation, if they are forced to take less than a living wage (**1932**); otherwise this is not permissible, unless it be certain that the employer is not unwilling that the honest employees receive more than their pay. In practice, on account of the great peril of injustice, it is advisable that such workers seek better pay through their organizations or else look for employment elsewhere.

**1935. Conditions Required by Legal Justice for Occult Compensation.**—(a) Occult compensation must not be used if payment can easily be obtained through suit at law or agreement; for the order of law and the public welfare require that one should not have recourse to the extraordinary means of occult compensation if ordinary means will suffice and not cause notable difficulties. But as a rule it seems this obliges only under venial sin, since ordinarily the departure from normal procedure in this matter is not seriously detrimental to public morals or order; and it does not impose a duty of restitution, since he who takes only what belongs to him does not offend against commutative justice. Indeed, if it is certain that other means will be futile (*e.g.,* because one has not sufficient evidence to win or because the decision would be biased) or harmful (*e.g.,* because great dissensions will be aroused, or heavy expenses incurred in litigation), occult compensation is not even venially unlawful.

(b) Occult compensation, according to law, should not be used by a bailee, for he has a lien for his services and proper expenditures in caring for the object bailed, but not for any other debt the bailor may owe him (Bolles, *Handy Law Book*). This is obligatory at least for the external forum.

**1936. Some Conditions Required by Charity for Occult Compensation** (see **1165, 1236, 1483**).—(a) *Charity towards the Debtor.*—The creditor should see, when possible, that the debtor suffers no loss by occasion of the compensation. Hence, in order to spare the debtor the evils of a bad conscience in reference to the debt or of a second payment of the debt, the creditor should, if possible, inform the debtor that the debt is cancelled or that payment is not expected.

(b) *Charity towards Third Parties.*—The creditor should, if possible, prevent any trouble or loss to others that might be occasioned by the compensation, such as suspicion of theft that might fall on servants.

**1937. The Lawfulness of Open Compensation.**—(a) If one's property is being stolen or carried away, it is lawful to protect or recover it by force; for this is only just defense.

(b) If one's property has already been carried away but is still in being and in a safe place, legal justice requires that one seek redress from the courts. But it does not seem a serious fault if one recovers goods by using moderate force, since the property is one's own and the public manner of seizing it enables the law to take cognizance of the case. American law recognizes with certain restrictions the rights of reception and of entry whereby a person takes possession without legal process of goods unlawfully taken or withheld from him (Robinson, *Elementary Law*, § 239, 240).

(c) If a debt owed to one is denied by the debtor, it is not lawful to take payment from him by force, since this is against the law and productive of scandal and disturbance, and moreover one is not the owner of the goods which one thus takes by force.

**1938. Notanda pro Confessariis.**—(a) Ante factum, rarissime consulenda est occulta compensatio, tum quia ut plurimum illicita est (**1928**) utpote periculo injustitiæ, scandali, perturbationis plena, tum quia lex civilis non solet eam ut remedium agnoscere sed potius ut furtum habet. Publice de occulta compensatione non expedit loqui, et præstat ut qui privatim de ea interrogentur, etiam datis conditionibus ad liceitatem necessariis, per modum tolerationis tantum annuant.

(b) Post factum, facilius in favorem utentis compensatione judicari potest, in ordine ad restitutionem, sed prudenter, et quasi evasive loquendum, ne praxis ita agendi ut per se et generaliter licita approbari videatur.

**1939. Judicial Injustice.**—We pass now from injustices committed by deed to those committed by words, and shall consider first unjust words spoken in courts of law and next unjust words spoken in private or outside of legal processes. Judicial injustice will be treated under the following heads: (a) injustice in judges; (b) injustice in plaintiffs or accusers; (c) injustice in defendants; (d) injustice in witnesses; (e) injustice in lawyers.

**1940. The Office of Judge.**—Judgment is the proper act of justice (**1727**) and therefore when exercised under due conditions it is not only lawful, but virtuous. The exercise of public judgment belongs to the judge, who is a person vested with authority to decide litigated questions in civil or criminal cases.

(a) Thus, in the strict sense, a judge is the official who has public authority to preside over tribunals of justice, in which major matters are tried and a formal procedure is followed, and whose function it is to direct the course of the proceedings and to settle questions of fact or of law that arise.

(b) In the wide sense, a judge is any person who has lawful authority to pass an obligatory sentence in criminal or civil matters. The name may be applied, then, to those who preside over a tribunal in which minor or urgent questions are considered and treated summarily (justices of the peace, police magistrates, etc.); to those who do not preside over a tribunal, but who are attorneys at law appointed as officers of a court to pass on some issue of a pending proceeding or suit (referees);

to those who act as assistants of the presiding judge, by determining the truth of alleged facts in civil cases, or the innocence or guilt of an accused in criminal cases (trial jurymen); to those who are chosen, by the parties to the dispute or by a court, as substitutes for the ordinary courts provided by law, to hear and settle, without legal formalities, the matter in controversy (arbitrators).

**1941. Classes of Courts.**—There are various classes of courts and therefore various kinds of judges.

(a) Thus, according to their relative dignity and jurisdiction there are higher and lower courts, courts of the first, second and last instance.

(b) According to the cases they try, courts are either civil (in which redress of private injuries is sought) or criminal (in which the community prosecutes public wrongs).

(c) According to the law which they use courts are ecclesiastical or secular.

(d) According to the form of procedure used and the remedies applied, courts in the United States are divided into courts of common law, courts of equity, probate, admiralty, and military courts.

**1942. Jurisdiction.**—Authority is necessary in a judge, for judgment is a binding decision that may be executed by force, and this supposes that he who pronounces the judgment is the superior of the person on whom the judgment is passed. Hence, he who acts as judge when he lacks jurisdiction acts invalidly (unless jurisdiction is supplied, as in common error for an ecclesiastical judge, in Canon 209), and offends against the rights of another judge and of the person on whom he passes sentence. Examples would be secular judges acting in ecclesiastical cases or ecclesiastical judges acting in temporal cases.

**1943. The Qualifications of a Judge.**—(a) Mentally, he must be endowed with knowledge of the law and with prudence, so as to be competent to pronounce correctly on the questions that are brought to him for decision; for, as being the authorized interpreter and custodian of the law, he is bound by quasi-contract with the community and with those who appear before him to be competent for these offices. If a judge realizes that he is incompetent in these ways, he must either resign his office, or make up for his deficiency by study or consultation with those who are more learned than himself. A juryman, being a layman to the law, is not expected to have the mental equipment of a lawyer; but it is his duty to give his attention to the statements, arguments and testimony and to the instructions of the judge.

(b) Morally, the judge must be a lover of justice, whether commutative, distributive or legal; for the proper office of the judge is to apply the law to particular cases and to declare officially the mutual rights and obligations of litigants who are before him. He must not be a respecter of persons, one who is moved for or against a man on account of rank, position or wealth, nor one who is swayed by fear or favor, by popular outcry or personal ambition. Not only legal but also commutative justice obliges him to perform his duties conscientiously; for in taking his office he enters into a quasi-contract with the community to execute his functions faithfully and well, and similarly by trying a case he engages that those before him will receive evenhanded justice. A juror should be a conscientious person who is openminded and free from prejudice for or against those on whom he has to vote.

**1944. Conduct of a Judge.**—A judge must be above suspicion, since respect for the courts is the very life of the State. But there is good reason to suspect a judge who judges in his own case, or in a case in which he will be naturally inclined to favor one side. Hence the duty of abstaining from certain things.

(a) Thus, he should avoid business, social and political activities that will give ground for belief that he uses his office for the promotion of private interests.

(b) He should not act in a case in which his own advantage or the advantage of his friends might appear to conflict with the duty of strict impartiality, as when he has personal litigation in the court, or when a near relative of his is party in a controversy, or when one of the contestants is his personal or political friend or enemy, etc. Canon 1613 of the Code forbids a church judge to act in the case of a person related by blood or marriage in the direct line or in the first and second degrees of the collateral line, or of a person for whom he is guardian or administrator, or in cases in which he had previously acted as advocate or proxy, or from which he stands to profit or lose.

(c) He should refrain from conduct that would tend to arouse doubts of his impartial attitude, such as incivility to counsel or witnesses, unexplained rulings that have the appearance of arbitrariness, private interviews or dealings with one of the parties before him in ways calculated to influence his action.

**1945. Accepting Gifts from Litigants or Others.**—May a judge take money or other goods from those whose interests are submitted to him, such as litigants or lawyers in his court or their friends?

(a) If the goods are extorted by threats or pressure or unjust vexation, the judge is guilty of robbery, since he forcibly takes that to which he has no right.

(b) If the goods are given as payment for the judge's services during the trial, the judge sins against commutative justice in receiving payment for services already due, since his salary comes from the community and obliges him to administer justice without charge to those who seek it. Neither is it lawful to take money as compensation for trying one case before another, or for hastening a case, or for giving unusual diligence to a complicated case, or for deciding for one side when the evidence is equal on both sides. But the law could permit a judge to collect his expenses from both parties if the trial necessitated a personal outlay of money (*e.g.*, for travel or hire of assistants) and there was no public fund to defray these costs.

(c) If the goods are offered as bribes, in order that the judge may be influenced to act against justice, it is clear that grave injustice is done both to the community and to the party who is injured.

(d) If the goods are given as free gifts, with no condition attached, some think they may be lawfully accepted, if there is little probability that they will influence the judge (*e.g.*, because they are small or given after the trial has ended). But others hold, and it seems more correctly, that both natural and positive law forbids this. Natural law forbids because of the danger ("Presents and gifts blind the eyes of judges, and make them dumb in the mouth, so that they cannot correct," Ecclus., xx. 31), and because of the mistrust and scandal that will result. It is incorrect to suppose that small gifts and gifts offered after sentence would not have influence, for the contending parties would soon come to vie with one another in making gifts, while judges would begin to think about the gratuities that might be looked for at the conclusion of a trial. Canon Law forbids all ecclesiastical judges and all who assist in court to accept any gifts whatever that are offered in connection with the trial (Canon 1624), and the civil law provides severe penalties for bribes offered as gifts.

(e) If goods are given as a mere alms or from civility or hospitality (*e.g.*, food and drink such as is usually offered to a guest or visitor), it does not seem unlawful in itself to accept them, but, since there is a danger of suspicion and scandal, even this should be avoided.

**1946. Obligation of a Judge to Restore Goods Received in the Above-Mentioned Ways.**—(a) If retention of the goods is contrary to the reasonable wishes of the person who gave them, restitution is necessary. Hence, the judge must give back money that was extorted and the payments made by private parties for the exercise of his official duties.

(b) If retention of the goods is contrary to law, restitution is also necessary. Hence, if a judge has taken a bribe, he must give it back, because the agreement is null, and he cannot lawfully keep his part of the compact by acting contrary to justice. The same is true when the law voids the contract whereby he received the goods, or when a court decree obliges him to return a free gift bestowed upon him.

(c) If retention of the goods is not contrary to the will of the giver nor to the law, restitution is not necessary. Hence, if a judge has received a pure gift and no corruption was intended or practised, he sinned in taking it, but the donation was valid and there is no obligation to return it. And even though he has taken a bribe, and in consideration of it has acted against justice, it seems there is no natural obligation to make restitution to the party who gave the bribe, since the latter has received a consideration for his payment, but the judge is held to indemnify the injured party.

**1947. Duties of a Judge in the Course of a Trial.**—(a) The purpose of the investigation is to discover the truth in the matter before the court, and consequently it is the duty of a judge to give a case the study and attention it deserves.

(b) The method of procedure is intended to secure a fair hearing for both parties and so to expedite business that the litigants will not be harmed by needless delays. The judge should therefore observe the necessary and customary forms of law, while avoiding waste of time and unnecessary interruptions. "It is not the custom of the Romans," said Festus to the Jews who asked him to condemn Paul, "to condemn any man, before that he who is accused have his accusers present, and have liberty to make his answer, to clear himself of the things laid to his charge" (Acts, xxv. 15).

**1948. Duties of a Judge at the Conclusion of a Trial.**—(a) The sentence must be just, that is, it must be based on the law and the evidence. Even though a judge does not personally approve of a law, thinking it unwise or unnecessary or oversevere, he should nevertheless enforce it; for he is appointed, not to change or reform, but to apply the law, yet so, however, that the spirit is not sacrificed.

(b) Sentence must not be relaxed as a rule, for otherwise the rights of the State or of the party winning the case will be harmed. But there are times when the public good or some other sufficient reason calls for relaxation, and in such cases judges have the power to refrain from passing sentence or to suspend or respite a sentence already announced. The defeated party should be allowed the opportunity which the law grants him for seeking a reversal of the judgment.

**1949. Sentence Passed under a Law Manifestly Unjust.**—(a) If the law is manifestly opposed to divine or natural law and sentence under it would command the commission of an act intrinsically evil (*e.g.*, cohabitation of those who are not really married), the judge should resign rather than give such a sentence.

(b) If the law is manifestly opposed to divine or natural law and sentence under it would inflict a grievous penalty (*e.g.*, death or long imprisonment) on the transgressor of the law, sentence would be unlawful. But if only a light penalty would be inflicted (*e.g.*, a small fine or short confinement), it seems that sentence might be tolerated; for the person condemned might be considered to yield his rights in such a case for the sake of the public good, which suffers from the loss of conscientious officials. The act of the judge in giving the sentence would be only material coöperation, which is lawful for grave reasons (see **1515 sqq.**).

(c) If the law is manifestly opposed to ecclesiastical law, sentence may be given lawfully, if scandal is avoided and the Church yields her right in the case, as is sometimes done in favor of Catholic judges, lest they be deprived of their positions.

**1950. May a Catholic Judge Grant a Decree of Divorce?**—(a) If there is question of partial divorce (*i.e.*, separation from bed and board), this is lawful, the Church consenting, for a reason recognized by ecclesiastical authority, such as adultery.

(b) If there is question of full divorce (*i.e.*, dissolution of the bond), this is lawful when the Church has pronounced the contract null or dissolved, and the civil divorce is sought for the sake of protection of civil rights.

(c) If there is question of full divorce, and the Church has not pronounced against the marriage, some consider that a decree of divorce is intrinsically evil, since it but applies a law that attempts, contrary to divine right, to dissolve the marriage bond. But others distinguish, and think that, where the decree of divorce is regarded as merely a legal formality that concerns civil consequences only and not the religious obligations of the petitioner (as seems to be the case in the United States), it is not intrinsically wrong for a grave reason to grant such a decree.

**1951. When Evidence Is Contrary to Personal Knowledge of Judge.**—(a) In a civil case, the judge should follow the public evidence rather than his private knowledge; for he acts as a public, not as a private, person. Moreover, the State has the power to transfer property from one to another, when the common good requires this, and the common good requires that civil decisions be based on public evidence rather than on private information. Some moralists deny this conclusion on the ground that it is intrinsically wrong to force a person to pay who does not owe, even though the evidence is against him.

(b) In a criminal case, the judge should follow the evidence rather than his own knowledge, if the evidence calls for acquittal of the accused; for it is better for the public welfare that a guilty man escape than that the judicial order be neglected and a rule admitted that might convict the innocent as well as the guilty.

(c) In a criminal case in which the evidence points to guilt while the judge's private knowledge assures him of the innocence of the accused, the judge must not condemn, if there is any legal way to avoid it. But if the evidence stands and the judge has to pronounce sentence, it is not easy to determine the course that should be followed. According to St. Thomas, the judge should condemn, since he is a public official and must therefore be guided by the allegations and proofs offered during the trial, especially since public order and respect for law depend on the good reputation of the courts. If judges could disregard at will the evidence offered on account of private knowledge they claimed to have, the confidence of the public in the integrity of courts would be shaken, men would take the law into their own hands, and peace and order on which the happiness of the community depend would be at an end. Moreover, the judge is not guilty in sentencing in this case, since he does not intend evil and acts according to the principle of double effect (see **103 sqq.**). According to a second opinion attributed to St. Bonaventure, the judge should acquit, since it is intrinsically wrong to condemn to death a person about whose innocence one is certain. According to a third opinion, which St. Alphonsus considers as probable, the judge should condemn in minor criminal cases in which only pecuniary penalties are imposed (for the State has the right to exercise eminent domain in order to safeguard an important public good like that of respect for the law and the courts); but he should acquit in major cases in which personal punishments are inflicted, for society has no right to deprive an innocent person of life or liberty.

**1952. When the Judge Is the Unjust Cause of Damaging Evidence.**—In some cases the judge may be the unjust cause of the evidence that convicts an innocent man, as when the judge has committed a crime and thrown suspicion on the accused (Dan., xiii), or when the judge has moved others to testify falsely against a man he knows to be innocent.

(a) One opinion holds that the judge would be obliged to condemn, on account of the reasons just given for the opinion of St. Thomas, if the judge were unable to overcome the evidence. But those who hold this add that this is purely speculative, for in a concrete case there would be many ways by which the judge could extricate both himself and the accused from the difficulty.

(b) Another opinion says that in no case could the judge of the present hypothesis condemn. Those who favor this opinion declare that St. Thomas is to be understood only of the case in which the judge is not the cause of the unjust accusation; for one who has culpably placed a cause of damage is bound to remove that cause before it acts, if this is possible, and in the present instance it is possible for the judge, if all other things have failed, to free the innocent person by testifying for him, or even by acknowledging his own guilt.

**1953. Practical Conclusions about the Three Controverted Opinions Given Above in 1951.**—(a) In a case tried according to Canon Law, it seems that the opinion of St. Thomas should be followed, since Canon 1869, n. 2, declares that the ecclesiastical judge must not give sentence unless he is certain about the matter of the sentence, and that his certainty must be derived from the acts and proofs of the trial.

(b) In a case tried according to civil law, it seems that the whole controversy is today very often of little practical importance; for court decisions are now frequently left to jurymen, and these men must either have no private certainty before they are admitted to their office (as is the case in the United States), or they have the obligation of using private knowledge in casting their vote and of communicating it to fellow-jurors during the deliberations (as is the case in some other countries). Hence, the moral question whether it is lawful to decide according to private knowledge against the public evidence largely disappears. But when a case of the kind now considered does occur, the position of the civil law also agrees, it seems, with that of St. Thomas: ''Neither the judge nor the jury can consider a private fact of which they have a merely personal knowledge, however important may be its bearing on the issue, unless it has been brought to their attention by evidence properly produced in open court'' (Robinson, *Elementary Law,* § 334). But the lightest penalty allowed by the law should be imposed in such a case. If a judge were privately certain that a jury verdict was unjust, he could offer his own testimony or appeal to the pardoning power.

**1954.** The principle that a judge must be guided only by his public knowledge applies also to other officials who are required to follow the results of a public investigation, but not to those who are required to act according to their best knowledge, whether public or private.

(a) Thus, public knowledge must be the guide of those who are ministers of a court and on whom it falls to execute its decrees; for they are the instruments and subjects of the president of the court. If they have private information of a material and relevant kind, they should disclose it as witnesses.

(b) Private knowledge that is opposed to and more reliable than public knowledge must be the guide of those who are supposed to act according to the most trustworthy knowledge they have. Hence, a superior who has the power to make appointments to office should disregard the votes of his advisors, if he can prove that they are wrong in their opinions about a nominee for office. He may confirm or annul their choice according to his honest conscience.

**1955. When Guilt Is Doubtful in Criminal Cases.**—In a criminal case or a case in which punishment is inflicted, if the guilt of the accused is *doubtful,* the sentence should be for acquittal; for no one should be condemned unless his guilt is morally certain (see **1728 sqq.**).

(a) Thus, according to Canon Law, an ecclesiastical judge who is not certain that sentence for the plaintiff will be just, must declare that the latter has not established his case and must dismiss the defendant, though exception is made for cases that have the favor of law (such as marriage, liberty, testaments, Canon 1869, n. 4). Canon Law places the burden of proof on him who makes an assertion, and it rules that the defendant is to be acquitted if the plaintiff or accuser fails to prove, even though the person on trial says nothing (Canon 1748).

(b) According to the civil law the rules on evidence also favor the accused in cases of doubt. He must not be held guilty unless the State has proved affirmatively and beyond reasonable doubt every material allegation in the indictment. In capital cases the evidence of guilt must be equivalent in weight and conclusiveness to the direct testimony of two competent and reliable witnesses. A reasonable doubt in the mind of a juryman is one for which he can give himself an adequate and satisfactory reason (Robinson, *Elementary Law,* § 608).

**1956. Doubt in Civil Cases.**—In civil cases, if it is uncertain after the investigation for whom the decision should be given, the following rules seem to be just:

(a) if the parties are unequal in claim, the decision should be for the one whose claim is more weighty; for the judge is appointed by society to investigate the truth of a controversy and to decide according to the merits of the case. Thus, decision should be for the party whose arguments are of at least equal strength but who has legitimate possession (for "possession is nine points in law"), or whose case enjoys the favor of the law (*e.g.,* in Canon Law, the cases of widows, wards, minors), or for the party whose case is stronger and more probable. Innocent XI condemned the proposition that a judge may decide for the side whose arguments are less probable (Denzinger, n. 1152);

(b) if the parties are equal in their claims, some think that property in dispute should be equally divided between the contestants, others that the parties should be persuaded to compromise, or, if this is impossible, that the decision may be given for either one of them. But if positive law regulates the manner of proceeding in such a case, its provisions should be followed. Thus, in Canon Law, if a judge is in doubt as to which one of two competitors has possession, he may grant it to both of them indivisibly, or he may command them to deposit it with a sequester, pending the settlement of the dispute (Canon 1697).

**1957.** What should be decided when the defendant has possession with probable title and the plaintiff has more probable title?—(a) If the possession is not certain, or not certainly legitimate, decision should be for the plaintiff, for uncertain possession does not create any presumption of right and hence the more probable case prevails.

(b) If the possession is certainly legitimate, the common opinion is that decision should be for the defendant; for certain possession is not overcome by more probable, but only by certain arguments for the plaintiff. Some authors, however, believe that the judge should decide for the plaintiff, since possession prevails only when the arguments are of equal strength on both sides; or at least that he could decide for him, since it is probable that the plaintiff by presenting a more convincing case has sufficiently established his right to eject the defendant.

**1958. The Standard by Which a Judge Should Weigh the Evidence.**—(a) When the proving force of an argument is settled by the law itself, the legal rule should be followed. Thus, in Canon Law certain kinds of proofs are expressly declared to be demonstrative (*e.g.,* a public instrument not contested, Canon 1816), while other proofs are held to be insufficient or only of partial value (*e.g.,* certain kinds of testimony, Canon 1756). Likewise in civil law public documents are *prima facie* evidence, oral interpretation of a written document which contradicts its language is not admitted, etc.

(b) When the proving force of an argument is left to the discretion of the judge, he must follow his conscience, that is, he must sincerely and impartially decide to the best of his ability the value of the argument, whether it is decisive, or likely, or weak. Thus, in judging circumstantial evidence a juryman must use his own common sense and intelligence in determining whether the premises are doubtful or the inference illogical; in estimating testimony a judge must bear in mind the quality of the witnesses and the character of their testimony.

**1959. The Moral Obligation of a Judicial Sentence that Is Certainly Just.**—(a) It is binding in conscience; for it is merely the application of law to a particular case, and law obliges (see **377**). (b) It obliges in virtue of legal justice when the case is only penal, and hence he who is fined by court is held as a duty of obedience to pay the fine; it obliges in virtue of commutative justice when the case is about a strict right, and hence if the court requires an heir to pay a legacy, the latter must make restitution for neglect of this duty (see **1728**).

**1960. The Moral Obligation of a Judicial Sentence that Is Certainly Unjust.**—(a) If the sentence is unjust because it is the application of an unjust law, it produces no obligation in those cases in which the judge cannot lawfully apply the law (see **1949**); for an unjust law does not oblige in conscience *per se,* but only *per accidens* (see **377, 461**). (b) If the sentence is unjust because it is not based on the law or the evidence, or because the trial was not conducted fairly, it produces no obligation *per se,* but there may be an obligation *per accidens,* as when scandal or great public disturbance will otherwise result. Hence, one who through plain injustice is deprived of an inheritance has the right to occult compensation (see **1928**), while the other party is bound to restitution of the inheritance (unless he is in good faith or has prescribed) and also to damages, if he went to law in bad faith.

**1961. The Moral Obligation of a Judicial Sentence in Case of Doubt.**—(a) If the doubt is about fact or law, not about the right of the judge to give sentence (see **1955 sqq.**), the sentence may be safely followed; for it is the office of the judge to settle doubtful matters, and to promote the common welfare by ending litigation. Thus, in doubtful criminal cases the judge sometimes acquits a guilty man, and in doubtful civil cases he sometimes awards property to one who has no right to it; but these sentences are not unjust, since they are based on rules which long experience has shown to be necessary for the public welfare.

(b) If the doubt is about the justice of the sentence, there is an obligation of conscience to observe the judgment, since the presumption favors the judge. Were this not so, the authority of tribunals of justice would be at an end, for almost everyone who loses a case thinks that he has been treated unjustly. But one may enter an appeal, where this is allowed by law.

**1962. When a Judge Is Bound to Restitution.**—A judge is bound to restitution when he causes unjust damage to the community or to litigants (see **1762 sqq.**), and hence he must either recall his unjust act, or repair to the best of his ability the harm done. But the conditions for unjust damage must be verified (see **1763**).

(a) Thus, the judge's act must be objectively unjust, that is, in violation of a strict right under commutative justice. This happens when he conducts the trial unjustly (*e.g.,* when he neglects the essential procedure, tries without an accuser, and the like) or when he passes unjust sentence (*e.g.,* condemns without proof of fact or crime, or in spite of evidence for innocence, votes for acquittal when there is no reasonable doubt of guilt, imposes penalties that are insufficient or excessively severe, or awards property to one who to his knowledge has no right to it).

(b) The judge's act must be efficaciously unjust, that is, it must be the real cause of the loss sustained by the other person. Hence, there is no duty of restitution if loss does not result (*e.g.,* if the party who is in the right wins in spite of unfairness on the part of the judge), or if loss cannot be traced to the judge's action (*e.g.,* when a judge is not entirely impartial in his charge to the jury, but his words do not influence them, as they would have given an unfair verdict anyway).

(c) The judge's act must be subjectively unjust, that is, the judge must be seriously responsible for the damage on account of his culpable ignorance, negligence, or malice. Even though he has made mistakes through excusable inadvertence or error, he becomes seriously responsible for damage, if, foreseeing it, he does not do what is in his power to avert it (see **1769**).

**1963. When a Judge Is Not Bound to Restitution.**—A judge is not bound to restitution, however, for violations of virtues other than commutative justice.

(a) Thus, charity is offended, but not justice, if the judge has personal hatred against a person before him, but does not permit this to influence his conduct or decisions.

(b) Legal, but not commutative, justice is offended, if the judge is negligent about exemplary damages, provided the common good does not suffer; for there does not seem to be any strict right to the fine before sentence has been given. This is disputed, however, by some moralists, who hold that the judge is under contract with the community in this matter, and hence that he offends commutative justice, if he is habitually and to notable amounts indulgent about fines.

**1964. Kinds of Accusation.**—From injustice committed by judges we pass now to that committed by accusers. It should be noted that there are two kinds of accusation: (a) extrajudicial accusation is that which is brought before a superior in order that he may correct or restrain, without recourse to judicial process, a subject who is delinquent. This is evangelical or canonical correction, which was discussed in **1293, 1289**; (b) judicial accusation, with which we are now concerned, is that which is brought before a judge, in order that redress may be obtained through judicial process against an accused person.

**1965.** Judicial accusation is also made in two ways. (a) The accuser sometimes does not act as one of the two antagonistic parties, and does not assume the burden of proving his accusation. He makes an official complaint or denunciation, and then drops out of the case, leaving it to the magistrate or other officer to examine whether a process should be instituted and the informer summoned as a witness. (b) The accuser is sometimes one of the two antagonistic parties during the process, and he then assumes the burden of proving his accusation. In Canon Law there are two kinds of processual accusers, the actor in civil cases and the accuser (an official known as the *promoter justitiæ*) in criminal cases. In American law, the accuser in cases of private wrong is known as the plaintiff; in cases of public wrong he is the District Attorney or public prosecutor.

**1966. The Duty of Judicial Accusation or Denunciation.**—(a) If a wrong has been committed which is directly prejudicial to the common welfare (*e.g.,* treason, counterfeiting, banditry), there is an obligation to make accusation, for each member of society is held to come to its assistance when its peace and order are endangered, and this is done by coöperating with the tribunals of justice. Duty to one's family also requires that one prosecute, when this is necessary in order to protect its members against some great evil.

(b) If a wrong has been committed which is not immediately prejudicial to the common welfare, there is not *per se* an obligation of accusation; for the purpose of accusation is to obtain punishment or the correction of a wrong—an end that should not be waived when the common good is at stake, but which may be waived when private interests are concerned. But *per accidens,* or by reason of circumstances, there is often an obligation of denouncing or accusing private wrongs.

**1967. Cases in Which There Is a Duty of Making Complaint about Private Wrongs.**—(a) Such complaint is obligatory in virtue of commutative justice, when by reason of his office, oath, or function a person is under contract to accuse violators of the law; and hence serious negligence in such a person entails the duty of restitution for any damage caused through his fault. Examples here would be a watchman who fails to report thefts, a man serving on the grand jury who does not vote for an indictment when he should, a prosecutor who is careless. The obligation is grave when the danger or injury to the common good is serious.

(b) This complaint is obligatory in virtue of legal justice, when there is a positive precept of the law which requires that accusation be made. The civil law rarely obliges to this as a duty of conscience, but there are a number of cases in Canon

Law in which it is a duty of conscience to denounce (*e.g.,* when there has been a *sollicitatio ad turpia*).

(c) This complaint is obligatory in virtue of charity, when without serious inconvenience one can thereby save a neighbor from a grave evil, such as unjust sentence of death or infamy: ''Deliver them that are led to death'' (Prov., xxiv. 11); ''Rescue the poor, and deliver the needy out of the hand of the sinner'' (Psalm lxxxi. 4).

**1968. Is a Malefactor Bound to Accuse Himself?**—(a) As a rule, he is not bound to confess guilt, either explicitly or implicitly, for this is too much opposed to natural inclination, and hence is not demanded by law (see **552**). This seems to be true even though an accused has unjustly declared himself innocent, and has not been questioned further or has been acquitted; for legal justice obliges the accused to give a true answer only when he is being questioned (see **1978**). In Canon Law those who would sustain damage from their own testimony are not bound to take the witness stand, and hence persons who reasonably fear that their evidence will subject themselves or their relatives to infamy, vexation or other disadvantage cannot be forced to testify (Canon 1755, n. 2). In civil law one may not be convicted on one's own testimony alone, unless the confession was voluntary, that is, made neither under fear, nor with the hope of favor, nor as the result of any species of coercion (Robinson, *Elementary Law,* § 608).

(b) In exceptional cases, one would be bound to accuse oneself, namely, if there were a grave and urgent necessity of the community which outweighed the loss that would follow from self-accusation (see **1576, 1577**). Self-accusation is also a duty when one is the gravely culpable cause of the punishment of an innocent person, if there is no other lawful way of freeing him, and the self-accusation will not bring on one a much more serious evil than that which the innocent person suffers.

**1969. Ethical Conditions for Lawful Accusation or Denunciation.**—(a) There must be no injury to the common welfare. Hence, if the order and peace of society would be disturbed by the accusation of a crime which was private and from which no further damage could be anticipated, it would be better to leave this occult crime unpunished rather than bring on greater evils to the public.

(b) There must be no injury to private welfare. Hence, if the accuser does not believe that his accusation is just, or if he knows that there is no suitable evidence for his charges, or if he is excluded by law from making an accusation (*e.g.*, when his knowledge has been derived from the confessional or in other confidential ways), it would be unjust to accuse; if the offender offers to make full satisfaction for a private wrong and has already amended, or was not accustomed to commit such wrongs, or if the loss he will suffer from the accusation will be far in excess of the wrong he has done, it would be uncharitable to make formal accusation (see **1200, 1201**).

**1970. Persons Who May Not Act as Accusers.**—Generally speaking, the following persons are naturally incapable of acting as accusers: (a) those who are guilty of greater misdeeds or who are infamous, since it is unbecoming for them to accuse; (b) those who are enemies of the other party, since they are swayed by spite or revengefulness; (c) those who are near relatives of the other party, since it is unnatural for them to attack their own flesh and blood.

**1971. In Whose Favor May One Denounce a Private Wrong?**—(a) One may denounce it in one's own favor, for one is not obliged to sacrifice one's right to redress, and hence accusation is permissible (see **1199**). Those who are considered as one person with the injured party may accuse for him, such as parents, husband, wife, children.

(b) One may denounce a private wrong in favor of an innocent third party, as when an innocent person is being harassed by oppression, even though one can defend him only with notable inconvenience to oneself (see **1967**).

(c) One may denounce a private wrong in favor of the guilty party himself, as when he is guilty of offenses that are harmful only to himself (*e.g.*, drunkenness, impurities), if he has a bad reputation already or his delinquencies are manifest.

**1972. Accusation and Fraternal Correction.**—Whether obligatory or permissible accusation should be preceded by a fraternal correction is controverted among moralists. But perhaps the two opposite views may be reconciled as follows:

(a) *per se,* that is, in view of the purpose of accusation (punishment, vindication of justice, example), there is no duty of previous fraternal admonition, since the purpose of the admonition is the amendment of the wrongdoer (see above, **1289, 1293**);

(b) *per accidens,* that is, in view of the circumstance that there may be hope of correcting the wrongdoer and of averting evil, and that punishment may not be very necessary to the public welfare, previous fraternal correction for secret delinquencies may sometimes be a duty of charity.

**1973. Unjust Accusation.**—Injustice in accusation is committed in the following ways: (a) injury is done the accused when a crime is falsely imputed to him through malice (calumny), or through a too great readiness to believe rumors (rashness); (b) injury is done the community if one whose duty it is to conduct a prosecution makes only a sham attack or colludes with the defense (prevarication), or if without good reason he abandons the prosecution (tergiversation).

**1974. Cessation of Duty of Accusation.**—The duty of accusation ceases: (a) when accusation is found to be unjust, for example, when the prosecutor discovers the accused is really innocent, etc. (see **1969**); (b) when accusation is found to be useless, for example, when one discovers that the authorities are already aware of the fact about which one intended to give information, or when one perceives that the charge cannot be substantiated.

**1975. The Defendant.**—The party who is required to make answer to the charges of the plaintiff or prosecutor is known as the *defendant* or the *accused.* We shall now speak of the ways in which he may be guilty of injustice, and shall consider the following cases: (a) the defendant in civil cases; (b) the accused in criminal cases who is innocent; (c) the accused in criminal cases who is guilty.

**1976. The Duties of the Defendant in Civil Cases.**—(a) *Before Sentence.*—If the cause of the plaintiff is clearly just, the defendant as a matter of justice should recognize the claim and withdraw from the case. But a defendant may take exception to arguments offered by the plaintiff which, though actually valid, are not juridically made.

(b) *After Sentence.*—If the cause of the plaintiff is clearly just but loses in court, the defendant is obliged in conscience to pay the claim, even though the plaintiff does not appeal the case; he is also obliged in conscience to indemnify the plaintiff for the expenses of litigation, if the latter lost the case on account of unjust means employed by the defendant.

**1977. The Duties of One Who Has Been Arrested on a Criminal Charge.**—(a) If the accused person is innocent, he may take to flight or even offer positive resistance, provided he does no injury to those who attack him, and public scandal or disorder does not result from the resistance. This is according to natural law, which permits one to use self-defense against unjust aggression; but since the positive law requires the accused to submit to arrest that is not manifestly unlawful and empowers the officers to employ force against those who resist, it seems that generally the accused should permit himself to be taken under protest, if he cannot escape.

(b) If the accused person is guilty, he may take to flight, since he has not yet been sentenced as guilty nor officially deprived of his liberty; but he may not offer resistance to those who are sent to apprehend him, since their aggression against him is not unjust. The accused person, if not yet convicted, may even use indifferent means to escape from prison, such as sawing his way out or eluding the vigilance of the guards; but he may not employ sinful means, such as bribery of officials.

**1978. Duty of the Accused to Plead Guilty, if Questioned by the Judge.**—(a) If the accused is innocent, he may not plead guilty, as is clear. If to escape most grave evils he did plead guilty, he would be guilty of lying (if under oath, of perjury), but not of self-defamation; for, as the owner of his reputation, he has the right to sacrifice it in order to escape greater evils.

Neither would he be guilty of suicide, according to some, if the death penalty were the consequence of the confession; for his purpose would be to avoid what he dreaded more than death.

(b) If the accused is guilty, he must reply truthfully, if the judge has the right to ask the question; for if the judge has the right to question, the accused has the obligation to answer, even though unpleasant things will befall him in consequence.

(c) If the accused is guilty, but the judge has no right to ask about his guilt (that is, if the judge does not question juridically or according to law, or if he questions from a false presumption of guilt), or if the accusation cannot be proved juridically, the accused is not obliged to answer. He may keep silence or evade the truth, but it is not lawful to lie.

**1979. Legal Right of a Judge to Question a Prisoner about His Guilt.**—(a) According to older legislation a judge had this right, and could enforce it by torture, when the common good was involved and the guilt of the prisoner was likely on account of infamy or manifest indications of crime or half-proof of guilt. In itself, this practice was not opposed to natural law and had some good results; but it was open also to many abuses. Some moralists teach that a judge cannot impose a grave obligation of confessing guilt in capital or similar cases, if the accused has otherwise a hope of escape and no great evil is likely to befall the common interests by reason of an acquittal. They argue that human law cannot oblige so rigorously as a rule.

(b) According to modern civil legislation the right of exacting a confession is denied to a judge. Thus, according to American law no person may be compelled "in any criminal case to be a witness against himself" (Constitution, Article V). In American law the plea of not guilty is not a lie, even though the accused knows that he is guilty, for, as everyone understands, the plea means either that one is innocent or that one is using the privilege of not confessing. Neither is it considered a lie to say that an unprovable charge is a calumny, for an accusation that cannot be proved juridically is juridically a calumny.

(c) The general law of the Church rules for ecclesiastical processes that, when the judge questions the parties-litigant, they are obliged to answer and to confess the truth, unless the question is not legitimate (*e.g.,* questions about irrelevant or privileged matters, or questions made in a captious or leading manner), or the answer would incriminate the parties themselves (Canon 1743). Neither is an ecclesiastical judge permitted to put an accused in a criminal case under oath to tell the truth (Canon 1744). An instruction of the Holy Office of 1866 required that the guilty party in a case of solicitation should confess, but the instruction was directive rather than preceptive. Particular law (*e.g.,* the statutes of a Religious Institute) might perhaps prescribe confession by an accused, but most Constitutions of Religious Institutes bind only under penalty, and, as for the rest, an ecclesiastical superior could at most advise, but could not impose, confession by an accused.

**1980. Rights and Duties of Accused in Conducting His Own Defense.**—(a) *In Reference to Judge or Attorneys.*—The accused, if questioned, may not conceal the truth by lies, ambiguities, or half-truths, since these are evil means, nor may he use evasion if he is lawfully interrogated. But if the question put to him is unlawful, he may evade an answer. It is commonly held that lies told in giving testimony or evidence are not necessarily mortal sins, as there may be no perjury committed or grave harm done another by reason of them (*e.g.,* when an innocent man "doctors" a paper and thereby without harming anyone escapes from an unjust sentence).

(b) *In Reference to the Opponent or His Witnesses.*—The accused has the right to disclose secret but real crimes of the accusers, when this is an exercise of his legal right of taking exception to the witnesses as incompetent, or of his natural right of clearing himself of the charge against him. It makes no difference whether the evidence of the accusers is true or false, whether given according to the order of law or not. But he must not go beyond the limits of moderate self-defense (see **1826**). Innocent XI condemned the proposition that it is probable that calumny may be used without mortal sin as a defense of one's justice or honor (Denzinger, n. 1194).

**1981.** If the accused objects secret crimes of the opposition, he must beware of injustice or uncharitableness. (a) Thus, it is unjust to disclose crimes that cannot be proved, or that are irrelevant (*e.g.*, it may be irrelevant to prove that the person who testifies that the accused committed murder is himself a fornicator, but it would be relevant to show that this witness is a liar, or dishonest, or an enemy of the accused), or that need not be revealed (*e.g.*, if the witnesses' testimony can be overcome by showing that the witness is weak-minded or under obligations to the opposition, it is not necessary to defame him). (b) It is uncharitable to disclose a crime, if the witness will suffer far more from this defamation than the accused would suffer from the testimony. If, however, the witnesses are giving false evidence of their own accord, they take the risk of revelations by the defense.

**1982. Rights and Duties of an Accused Who Has Been Found Guilty.**—(a) *Appeals.*—It is lawful to appeal from a sentence that is unjust (whether because of the innocence of the accused, or of the illegality of the process), because appeal is a means of self-defense granted to the innocent. It is not lawful to appeal from a sentence that is certainly just, merely in order to cause delay or to defeat an adversary; but one may make an appeal when there are just reasons (*e.g.*, in criminal cases the hope of getting an easier sentence or of prolonging life, in civil cases the discovery of new proofs, or of probable arguments against the sentence given). But one who has pledged his word not to appeal from the decision of an arbitrator should abide by his promise, and there is no appeal from the final decision of the highest court, which in the Church is the Roman Pontiff (Canon 1880), and in the State the Supreme Court.

(b) *Escape from Prison.*—If the sentence was unjust, it is lawful to escape, unless the means employed are intrinsically evil (*e.g.*, killing of guards), or the results will be more harmful than continuance in prison (*e.g.*, the overthrow of public order, the too great risk of the attempt to escape). If the sentence was just, there are various opinions on the lawfulness of flight. Some think it is never lawful, because a just sentence is a precept of authority and should be obeyed; others think that flight is lawful in graver cases (*e.g.,* when the prisoner has been sentenced to death or to life imprisonment, or when the conditions of prison life are unbearable, because human law cannot impose as a normal regulation what is too difficult for human nature); still others think that flight is always lawful, because the court sentence is that the prisoner be forcibly confined, not that he remain in prison voluntarily. But one is not necessarily bound to escape (see **1857**).

(c) *Resistance to Sentence.*—If the sentence is unjust, resistance is not unlawful *per se,* because one has the right of self-defense against unjust aggression (Ezech., xxii. 27). Hence, if one were condemned to execute oneself (*e.g.,* by taking poison), the common opinion is that the sentence would be unjust (see **1856**), and therefore not obligatory. If the sentence is just, even though it be a capital sentence, resistance is not lawful, for the judge who duly pronounces sentence on a guilty man has the right to obedience (Rom., xiii. 1–5).

**1983. Jail-Breaking and Restitution.**—If one does not sin by jail-breaking, is one bound to restitution for the damages connected with the escape?

(a) If the damages are not caused by, but only follow accidentally on the flight (*e.g.,* escape of other prisoners, dismissal of guards), there is no obligation to make restitution for them; for the flight would not be the efficacious or the unjust cause of such damages.

(b) If the damages result from the flight as from their efficacious and unjust cause, there is an obligation of restitution (see **1763**), as when a prisoner, in order to escape, does needless damage, or damage out of all proportion to the evil from which he seeks to escape. But ordinary property damage, such as a hole cut in a wall, does not seem unjust, if there is no other way to get out.

**1984. Reliability of Witnesses and Testimony.**—A *witness* in court is a person who declares during a judicial proceeding that he knows some statement, deed or omission in reference to the matters at issue. The testimony of witnesses has proving force only in so far as these persons appear to have knowledge of the matters on which they testify and appear to be truthful. Hence, certain kinds of witnesses and certain kinds of testimony are unreliable.

(a) Thus, a witness is unreliable either through his own fault (*e.g.*, if he is regarded in his community as below the standard in truthfulness, or has the reputation of being a calumniator) or without his own fault (*e.g.*, if his powers of observation or his memory are subnormal, or he is devoted or hostile to or dependent on one of the contending parties). It is a duty, indeed, to presume good of a person in whom the opposite does not appear, if he is the only one whose interests are concerned; but when there is danger to a third party, one must be on one's guard (see **1744**). Hence, St. John admonishes not to believe every spirit (I John, iv. 1).

(b) Testimony is unreliable because of the number of the witnesses (*e.g.*, one witness is often legally insufficient to prove, especially in graver matters), or the quality of their evidence (*e.g.*, because in substantial points a witness contradicts himself or is contradicted by his co-witnesses, or because there are signs of collusion or conspiracy), or the counter-evidence of the opposition.

**1985. Obligation of Freely Appearing as a Witness.**—(a) There is an obligation of commutative justice to offer testimony, if one is under contract to do this, as when one is hired as a detective or agent to gather evidence against lawbreakers.

(b) There is an obligation of legal justice to testify, even at the cost of serious inconvenience, if the testimony is necessary for averting a serious evil that threatens the common welfare. A person who knows of a plot against the peace of the State should bring this to the notice of the authorities, even at the risk of his life. But a person who knows that a crime has been committed, is not bound to give witness about it, if the escape of its author will not be a serious detriment to public or private welfare (*e.g.*, if one knows that an apparent case of suicide was really a homicide committed by accident).

(c) There is an obligation of charity to testify (but not at the cost of serious inconvenience), if the testimony is necessary for averting a serious evil that threatens a private person. A person who can prove that the evidence which is about to hang an innocent man is false should testify for the accused, unless the testimony will bring an equal evil upon himself.

**1986. Obligation of Appearing under Lawful Citation to Give Testimony.**—(a) He who avoids citation (*e.g.,* by flight into another jurisdiction, by concealment of his person when the subpœna is being served), more probably does not violate legal justice by this act, since a precept that has not been received cannot be violated. (b) He who disregards citation offends legal justice, since the summons to appear has a claim on his obedience. But it does not seem that he violates commutative justice, unless the party for whom he could testify has a strict right to the testimony.

**1987. Obligation of Witness to Answer Truthfully.**—A witness who is questioned legitimately (*i.e.,* by one who has the authority to question him) and juridically (*i.e.,* according to the form and order prescribed in law) is obliged *per se* to answer according to the truth as he knows it, for one is bound to obey a superior when he gives a lawful command. But there are exceptions to this rule *per accidens,* that is, when a higher law exempts one from the necessity of divulging a certain matter, or when the question asked refers only to what one knows juridically. In all these cases the witness may answer that he does not know, for he has no knowledge that he may, or should, or must use.

(a) Thus, the natural law permits reticence when a revelation would work notable damage to the witness or those closely related to him, for the command of a superior does not oblige under such great inconvenience. This supposes, of course, that the revelation is not required in order to prevent a great harm to the commonwealth or a far greater harm to a private person than that which threatens the witness. A person who knows that he will be assassinated if he testifies against a powerful criminal is not ordinarily bound to make the sacrifice. Canon and civil law excuse witnesses from making disclosures that would expose them to prosecution or penalties (see Canon 1755, § 2, n. 2).

(b) The natural law commands reticence when a revelation would be injurious to divine, public or private rights.

**1988. Matters Regarding Which a Witness Should Not Testify.**—There are certain cases in which natural law forbids a witness to make known a fact about which he is questioned.

(a) A witness may never testify to matters known to him only from Sacramental Confession, for to break the seal of confession is an injury to the rights of God. In an ecclesiastical process a priest may not testify from Sacramental knowledge, even though he has the penitent's permission (Canon 1757, § 3, n. 2).

(b) A witness may not testify as a rule to matters that are known to him only in a confidential way, such as the communications between lawyer and client, physician and patient; for the public interest as well as the interest of individuals requires that generally there be security against defamation for those who give their confidence to others, especially if they are in great need of professional assistance. Privileged communications are recognized both in Canon Law (Canon 1755, § 2) and in civil law. But knowledge obtained as a secret may be used when this is necessary in order to avert a great evil that threatens the public welfare or the welfare of an innocent person, whether this person be the giver of the secret, or a third party, or oneself; for to oblige to secrecy in these cases would be to throw protection around crime. Thus, a lawyer may make disclosures of confidential knowledge, if this is necessary in order to defend himself against the false accusations of a client, or to prevent a crime which the client intends to commit.

(c) A witness may not testify to matters about which he has unjust knowledge (*e.g.*, by wire-tapping, by unjust coercion, by intoxicating another person, by reading private papers without permission), for, as the knowledge was unjustly acquired, it cannot be justly used (see **2420**).

**1989.** There are also certain cases in which a question refers only to what the witness knows juridically, or in which he is called upon to answer according to the mind of the questioner.

(a) If the witness is asked to state what he knows about a case, he is not obliged to mention what he merely thinks or what he is uncertain about; and if he is asked what he has heard, he is not obliged to state what was told him by persons of poor authority.

(b) If he is asked whether the accused was to his knowledge guilty of a crime, he is not obliged to mention an act of the accused that was unlawful but done in good faith. But in a civil case, in which inquiry is made about juridical faults, the witness should testify even to the existence of delinquencies in which there was no element of theological fault.

(c) If he is the only one who has knowledge of a delinquency and it will be certainly useless for him to testify about the matter without corroboratory evidence, it seems that he may keep silence about what he knows. But if the testimony of one witness is sufficient according to law, then the witness should speak of the facts known to him.

**1990. Sinfulness of False Testimony.**—When we speak of false testimony, we mean testimony which the witness knows to be false.

(a) By reason of his false oath, the witness is guilty of perjury, which is a grave sin against the virtue of religion.

(b) By reason of the injury done by the testimony, the witness is guilty of injustice, which from its nature is a grave sin. In the Decalogue (Exod., xx. 16) false testimony is forbidden among the sins against justice: "Thou shalt not bear false testimony against thy neighbor." Legal justice is offended, since false testimony is an act of disobedience to lawful authority, and usually commutative justice is also violated, since by false testimony one of the litigants as a rule suffers loss.

(c) By reason of the deliberate falsehood, the witness is guilty of lying, which, however, is not always a grave sin.

**1991.** It may happen then, though rarely, that false testimony is only a venial sin, for example, when the witness is not under oath and he gives false testimony in a matter of small importance, or without full deliberation on what he is saying, or when he forges or corrupts a document to supply for another that has been lost and from which his certain right could be proved.

**1992. Obligation of Witness to Make Restitution.**—The obligations of restitution by a witness on account of failure to perform his duties properly are as follows:

(a) if the witness has not sinned against commutative justice, there is no obligation of restitution (see **1753**). Hence, if he has evaded testimony to which he was bound in legal justice or charity alone, he is guilty of sin, but he is not held to restitution. Similarly, if he has given false testimony and thereby deprived the State of a fine under a penal law, or saved a guilty party from punishment, he has sinned against legal justice, but is not obliged to make good the fine or pay damages;

(b) if the witness has sinned against commutative justice, materially but not formally, he is not the gravely guilty cause of damage, and hence is not obliged from justice (but there may be an obligation from charity) to make restitution (see **1764**). But if he perceives that his testimony was materially or venially unjust and will cause serious damage, he is obliged to recall his testimony, or in some other suitable way prevent the damage, if this is possible (see **1769**);

(c) if the witness has sinned against commutative justice formally, he is the efficacious and culpable cause of the damage that results, and hence is bound to restitution, unless there is an excusing cause (see **1797 sqq.**). Thus, if false testimony, or testimony about matters which the witness had no right to disclose, has led to the death sentence for an innocent man, the witness who gave that testimony must retract, even at the risk of his own life; for in equal danger the rights of the innocent have the preference. Again, if Titus by false testimony has saved Balbus from paying damages for injury done to public property, Titus must make restitution for the loss caused, if Balbus will not make reparation.

**1993.** Is a witness guilty against commutative justice when he unlawfully conceals facts and damage results thereby to another person? (a) If by concealment is meant the destruction of evidence (*e.g.*, the burning of a will or letter or forging), the witness or other person responsible is guilty of a positive act of commutative injustice and is bound to restitution. (b) If by concealment is meant silence about material facts that the witness is lawfully called on to disclose, distinction has to be made between the witness who is not obliged from contract to give evidence and the witness who is so bound. The former witness is a negative coöperator and sins against legal justice and charity; the latter witness is a negative coöperator and sins against commutative justice (see **1780**).

**1994. Payment of Witnesses.**—Is a witness permitted to accept pay for giving true and lawful testimony?

(a) For the testimony itself a witness may not accept pay, for he is bound to tell the truth freely, just as the judge is bound to dispense justice freely.

(b) For the expenses he incurs and the time he loses by reason of his assistance in court, he may accept pay; since, as St. Paul says, he who does a service for another is not required to meet the expenses of the service (I Cor., ix. 7). Both Canon and civil law make allowances for suitable compensation to be granted to witnesses (see Canons 1787, 1788). But if a witness receives compensation in excess of what is allowed by law, the court and the adverse party have a right to be informed of this.

**1995. Lawyers.**—Lawyer is the general term used to designate all those who are versed in the law and who give assistance to others in legal ways during lawsuits or apart from them.

(a) Thus, apart from lawsuits a lawyer may act as legal adviser, giving instruction, information or direction on rights and duties under the law.

(b) During a lawsuit he advises about the case (jurisconsult) or carries on for clients the prosecution or defense in a court of justice. The lawyers who attend to only the more mechanical parts of a suit are sometimes called attorneys, in distinction from counsellors or counsel, who argue and plead in the court-room, but generally "attorney-at-law" and "lawyer" are synonymous terms. The counsellors are known in England as barristers when they conduct cases in superior courts; they are called solicitors in chancery, and advocates in Roman law. Canon Law distinguishes between the advocate who defends, and the procurator who represents, a litigant: the former argues for his client by invoking the law in his favor; the latter acts merely as the representative of his client and is restricted by his commission.

**1996. The Qualifications of Lawyers.**—(a) The mental and moral requisites are competency in the knowledge of their profession and devotion to justice, morality, the constitution, and law (see **1943**). A lawyer should be zealous for the dignity and reputation of the bar and loyal to associates, but not afraid to take action against practices that are detrimental to his honorable profession.

(b) The legal requisites for practising as a lawyer vary with the place or government. In Canon Law, it is necessary that an advocate be a doctor or expert in ecclesiastical jurisprudence, that he be twenty-one years of age, duly approved, etc. (see Canons 1657 sqq.).

**1997. The Duties of a Lawyer in Introducing Cases.**—(a) He may not stir up litigation, as a means of bringing himself occupation and gain. *The Catechism of the Council of Trent, Translated into English with Notes* (Joseph F. Wagner, Inc., New York City, 1923), p. 475, denounces this practice as among the chief violations of the Tenth Commandment. Among lawyers it is regarded as unprofessional, and at common law it is an indictable offense.

(b) A lawyer may not take or assist an unjust cause—one, namely, that is in opposition to moral or positive law, as when a party comes to him with the request that he conduct a spite case whose purpose is to harass or oppress an innocent person. He who defends injustice is a coöperator, and is therefore guilty (see **1779**). But if a case has a good foundation in law, the lawyer is not bound to inquire into the subjective dispositions or the conscience of the client in the matter, and he may take the case even though he does not know that the client is in good faith.

(c) A lawyer should not refuse a just cause, merely because the person he is asked to assist is indigent or not in favor. Commutative justice does not oblige him to offer his services to one in need of them; but there is a duty of legal justice to give his best efforts if he is appointed as counsel for a poor person, and also at times a duty of charity to do this if he is asked for legal help by one who is in need.

**1998.** The precept about works of mercy, being affirmative, does not oblige for every instance, but only when the due circumstances of time, place, opportunity, etc., are present. Hence, a lawyer is not obliged by charity to devote himself to every deserving case that is presented to him (see **1227**). (a) Thus, as to place, charity does not require that one go about looking for the needy, but that one help those who are at hand. (b) As to time, charity does not require that one take care of future needs, but that one help those who are in present distress. (c) As to persons, charity does not require that help be given to all alike, for some have a greater claim on one's charity than others (I Tim., v. 8). (d) As to need, charity does not command that help be given those who can easily help themselves, or who can obtain it from third parties who are better fitted to bestow it.

**1999.** Charity does not oblige to works of almsgiving, if the inconvenience to the donor is out of proportion to the distress from which the donee is rescued (see **1158**). The inconveniences that correspond with the various degrees of distress are thus explained by theologians:

(a) if distress is extreme (*e.g.*, a prisoner is about to be sentenced to death unjustly), a proportionate inconvenience is, according to some, a grave loss, or, according to others, the loss of at least a part of the necessaries of one's state (see **1231, 1251**);

(b) if distress is very grave or grave (*e.g.*, an accused man will be sentenced unjustly to a long and harsh imprisonment), the loss of goods without which one's state of life cannot be maintained so becomingly is, according to one opinion, not excessive; but, according to another view, any notable loss or inconvenience is excessive;

(c) if distress is ordinary (*e.g.*, an accused will be unjustly sentenced to a small fine), the loss of goods that are purely superfluous is, according to some, a proportionate inconvenience, but others think that only such assistance need be given as will cause no inconvenience whatever, such as advice or other service given during spare times.

**2000. When Is a Cause to Be Regarded as Unjust?**—(a) In civil cases the suit or defense is unjust when it clearly has no moral right. A lawyer who recommends litigation in a case of this kind is unjust to the adverse party, if that party loses; he is unjust to his client, if the client loses and is thus put to unnecessary expense. One may not defend a suit for divorce, if the petitioner does not lawfully enter the suit, unless perhaps when a very grave reason excuses (see **1949, 1997**).

(b) In criminal cases the prosecution is unjust if the accused is clearly innocent. But the defense is not unjust, even though the accused is known to be guilty, for both natural and positive law give the accused a right of defense, and hence he may choose or may be given an advocate, in spite of his guilt.

**2001. Duty of a Lawyer When the Justice of a Cause Is Doubtful.**—(a) In a civil cause, the lawyer may act, whether for the plaintiff or for the defendant. He may even take a case whose justice seems less probable, for the purpose of the trial is to settle the doubt, and not infrequently the cause that seemed doubtful or less probable at the outset is vindicated by the examination. Some moralists distinguish for cases in which the doubt is one of fact between the defendant and the plaintiff: if the former's case is less or equally probable, they say, one may take it, but not so if this is true of the latter's case.

(b) In a criminal case, when life, reputation or other grave issue is involved, the common opinion is that a lawyer may not prosecute if the case of the people is doubtful or less probable, but he may defend, as was just said, even though he is certain that the accused is guilty. The office of the prosecutor is not necessarily to secure a conviction, but to see that justice is upheld, while the office of the defender is to take care that an accused person is deprived of no right or protection that he should have under the law.

**2002.** If a lawyer through ignorance takes an unjust case, thinking it just, he is excused or not excused according to the character of his ignorance (see **28, 249**). (a) Thus, antecedent ignorance excuses from sin and restitution; (b) concomitant ignorance excuses from restitution, but not from sin; (c) consequent ignorance excuses from neither sin nor restitution, if it is crass or affected, but it diminishes responsibility, if it is only slightly sinful.

**2003. Duty of a Lawyer Who Discovers that a Case Is Really Unjust.**—(a) A lawyer who took a case in the belief that it was just, but discovers that it is really unjust, owes it to himself to abandon the case, for he cannot honorably coöperate with iniquity. The same principle applies, if a client insists upon unjust courses in the support of his case, even though the cause itself be just.

(b) The lawyer owes it to his client in the hypothesis we are considering to preserve the latter's confidence inviolate (see **1988**). He should endeavor to persuade the client to abandon the case; but since the client's case is unjust, he may not recommend a compromise, except perhaps in reference to expenses.

**2004. Lawyer's Duties towards Client.**—Since every contract depends on the mutual consent of the contractants, and since the purpose of the person who retains a lawyer is to receive honest advice and assistance and to give in return a fair compensation, it follows that the lawyer's duty to a client is to give what is thus expected and not to exact more than this deserves.

(a) Before the case the lawyer should be perfectly *candid* with the client as to the advisability of litigation or of the employment of himself as counsel in the case. If there is a reason why he would be a less desirable advocate in the case, he should speak of this, so that his consultant may have freedom of choice. He should also study the question presented to him, and give his honest opinion on the strength of the case. If a fair and amicable adjustment outside of court can be made, the lawyer should recommend that this be done, and if it is not clear which party is right, he should advise a compromise.

(b) During the case the lawyer should be *faithful* to the interests of his client and *diligent* in the affairs for which he is engaged. Loyalty demands that the advocate give his undivided devotion to his client (*e.g.*, he may not give assistance to the adverse party, he may not receive gifts or compensations from that party; see Code, Canons 1666, 2407), and that he respect the client's confidences (*e.g.*, he may not use to the client's disadvantage the information given him). Diligence requires that the lawyer use his best ability and efforts to the end that the client, no matter how poor or unpopular or persecuted, may receive all the remedies or defenses that the law grants him, and that his case may be terminated with all possible speed.

(c) After the case he should be *honest* in his charges and *true* to the confidence that was reposed in him. The compensation for the lawyer's services should be just, that is, a fair return for what he gave. The amount of the fee should be fixed, therefore, by such standards as the law or custom, or by the value of that which the lawyer devotes to the case (*e.g.*, his time and labor, his loss of other employment or prospects, the risk he takes in undertaking the case), or of that which the client receives (*e.g.*, the amount which he gains, the benefit he receives). The wealth of a client does not justify an excessive charge, but the poverty of the client makes it a duty of charity at times to lessen the charges or to make no charges at all (see **1236–1239**). It is clear that a lawyer should not compensate himself from the client's business contrary to the latter's just wishes.

**2005. Lawyer's Duties towards Other Parties.**—The duties of the lawyer to his client do not exempt him from certain duties to other persons who have a part in the trial; for he is responsible to his own conscience and cannot act on the principle that he must win at any cost, or that the client takes all the blame for anything dishonorable that is done.

(a) Thus, respect is due to the judge and politeness to the opposite party, his lawyers and witnesses. Abusive language and improper personalities, therefore, should not be resorted to, and customary courtesies should be shown.

(b) Truth and fair dealing are due to those to whom or against whom the pleading is directed. It is contrary to truthfulness to cite statutes or decisions that are no longer in force, to misquote laws, testimony or the language of opponents, to assert as a fact what has not been proved, to introduce false witnesses or documents, to coach clients or witnesses in untrue stories, to resort to quibbles or sophistry, etc.; it is unfair to attempt to gain special favor from a judge or a jury, to make improper statements or remarks with a view to influencing the jury or the bystanders or the public; to conceal the arguments upon which one relies until the opposition has no opportunity to reply; in a word, to practise any of the tricks of pettifoggery.

**2006. Concealment of Truth in Presenting a Case.**—Is concealment of the truth in the presentation or defense of a case sinful?

(a) If concealment is not unjust or mendacious, it is lawful. Indeed, a lawyer should conceal such facts as would be harmful to his own case (*e.g.,* incidents that are really of no moment, but that would create prejudice against his client), or as he has learned in confidence. This is not unjust, since the opposite party has no right to the knowledge, and it is not deception, since it does not cause but merely permits others to draw erroneous conclusions. Neither is an advocate bound in justice to point out to the opposition matters favorable to their case, of which they are ignorant or which they do not notice.

(b) If concealment is unjust or mendacious, it is unlawful. Thus, if a lawyer discovers that serious fraud has been practised or that the court or the opposition has been harmfully imposed upon, he is unjust if he takes advantage of this through silence. Similarly, a prosecutor is unjust if he suppresses facts or testimony or papers that would establish the innocence of an accused person.

**2007. The Sinfulness of Introducing False or Corrupted Documents.**—(a) Truthfulness is sinned against by this practice, whether the document be entirely fictitious or a copy substituted for an original that has been lost, or an authentic instrument has been changed or interpolated.

(b) This practice is also against legal justice, since the law requires that no misrepresentations be made about the evidence produced. Indeed, this is a very serious matter, for, if it were ever permissible to tamper with documentary evidence, a way would be opened to frauds innumerable to the great detriment of the public.

(c) Commutative justice is offended by this form of dishonesty, if the cause defended is not certainly just; for the opposite party, since justice is perhaps on his side, has the right that he be not defeated by untruthful means. But if the cause defended is certainly just, there is not *per se* any violation of commutative justice, since the adverse party is not deprived of anything that is his, but is rather prevented from doing injustice; *per accidens,* though, there might be commutative injustice (*e.g.,* if the use of a forged exhibit was known to be risky and did actually lose the case for a client).

(d) Charity to self is violated by this deception, since a lawyer should not value his client's interests above his own conscience, reputation and prospects.

**2008. When a Lawyer Is Bound to Restitution.**—(a) Unjust damage obliges to restitution (see **1763**), and hence a lawyer must indemnify his client or the opposite party for the losses either one suffers through his unjust conduct. The client has a right to restitution if he was put to unnecessary expense because his lawyer did not tell him the case was hopeless or too risky, or if he lost a case because the lawyer was very incompetent or negligent or helped the opposite party, or if he was injured in his reputation or prospects by the violation of his confidences. The opposite party is entitled to restitution if he lost a right or was condemned because the lawyer unjustly took the case against him, or if he suffered other injuries because the lawyer employed foul means to his disadvantage. If a lawyer acts as the mandatary of his client in the use of injustice, the duty of restitution rests primarily on the client and secondarily on the lawyer (see **1783**); if the lawyer alone is guilty, he is responsible for all the damage done. There is no duty of restitution if only legal justice is violated (*e.g.,* if some deception is practised in order to win for the side that is in the right), or if charity is wronged (*e.g.,* if one refuses to take the case of a person who is in need).

(b) Unjust possession also obliges to restitution (see **1770**), and hence a lawyer who appropriates goods of his client against the latter's right, or who charges exorbitant rates for his services, or who drags out a case for lucre's sake, or who has not refunded when he withdrew from a case, should restore his ill-gotten goods. If the amount of a fee is settled by law, an attorney who takes more than the legal sum does not necessarily incur the duty of restitution. All will depend on the character of the law, whether it is penal or preceptive, and if preceptive, whether it obliges in virtue of legal or of commutative justice.

**2009. Unjust Words.**—We shall now take up the injustice that is done through words spoken outside of a judicial process, or the classes of verbal injustice that are not peculiar to courts, but are committed on all sorts of occasions, public and private. The principal sins here are distinguished according to the different injuries intended by the sinful speaker, and are as follows:

(a) sinful words that signify or effect in another person the evil of guilt, thereby depriving him of benefits that are connected with virtue. Some evil speakers deprive their neighbor of tributes that are paid to virtue by others, such as honor (injury by *contumely*), fame (injury by *defamation*), friendship (injury by *whispering*); while other evil speakers deprive a person of the tribute of virtue paid by his own conscience, namely, self-respect and peace of mind (injury by *derision*);

(b) sinful words that signify or effect against another person the evil of punishment. The words are known under the general name of *cursing*.

**2010. Contumely.**—Contumely is unjust dishonor shown to a person in his presence.

(a) It is *unjust*, and hence those are not guilty of contumely who speak words that are not honorable to persons deserving of reproof (*e.g.*, in Luke, xxiv. 25, Our Lord calls the two disciples "foolish and slow of heart"; in Gal., iii. 1, St. Paul addresses the Galatians as "senseless"). Similarly, it is not contumelious to call another person by a name that sounds somewhat disrespectful, if this is done in banter or pleasantry and will be taken in good part by the other and do no harm. Thus, to send a comic valentine or good-naturedly to ridicule some of the spectators at a farce is not contumelious as a rule, since most persons are not galled by these gibes, nor are the jokes taken seriously as a rule by the public. But care must be exercised both in serious and playful rebukes to keep within moderation. St. Augustine declares that even in corrections one should use reproachful terms sparingly and only in case of great necessity.

(b) Contumely is *dishonor*, and so it is distinguished from injurious words that offend some other right (*e.g.*, detraction offends reputation). Honor is an external manifestation of the respect felt for another's excellence or superiority in some natural or supernatural perfection given by God, such as virtue, authority, nobility, rank, wealth, etc. Contumely, therefore, is either negative, as when one ostentatiously refuses to show another the honor due him (*e.g.*, the salute or title or deference which custom allows him), or positive, as when one manifests signs of disrespect (*e.g.*, names derogatory to virtue or intelligence, or which mean that the person addressed is vile and contemptible).

(c) Contumely is shown to another *in his presence*, that is, it is an affront directed to his person immediately (*e.g.*, the mockery of Eliseus by the little boys near Bethel, in IV Kings, ii. 23), or mediately (*e.g.*, the dishonor of David's ambassadors by the Ammonites, in II Kings, x), or at least to his knowledge (*e.g.*, the enemies of St. Paul in Phil., i. 17, who spoke of him insultingly in the expectation that their words would be carried to him).

**2011.** Are all persons deserving of honor? (a) If honor be taken in its strictest sense for reverence shown to a person who is one's superior in some good quality, or for veneration for the proper excellence of mankind (*viz.*, virtue), then honor cannot be shown except to those who are more exalted than oneself or to those who are virtuous. (b) If honor be taken in its wider and more usual sense for respect for a good quality, natural, moral or supernatural, in which a neighbor is more worthy at least than some others, then honor can be shown to every rational creature (except the damned, who are irretrievably wicked and outside the pale of friendship); for there is no one, however bad or lowly, in whom there is not something that deserves respect. St. Paul exhorts Christians to be beforehand in honoring one another (Rom., xii. 10), and he urges that each esteem the other as better than himself (Philip., ii. 3).

**2012. Various Forms of Contumely.**—(a) By reason of the signs used or the external form it takes, contumely is either in words (*e.g.,* the names "thief," "lunatic," "bastard") or in deeds that are equivalent to word (*e.g.,* offensive cartoons or caricatures, insulting valentines or postcards, "poisoned pen" letters, lampoons, scurrilous or opprobrious gestures or acts, sardonic grins, mimicry).

(b) By reason of the thing signified or the contemptible quality that it ascribes to another contumely is also distinguished into *reproach,* which accuses another of sin (*e.g.,* of drunkenness), *revilement* (*convicium*), which ascribes to another either a fault or its consequences (*e.g.,* drunkenness or imprisonment, or diseases of alcoholism), *taunting* (*improperium*), which twits another with misfortunes or inferiority (*e.g.,* his lowly origin or poverty or the favors one formerly showed him).

**2013. Manner of Confessing Contumely in the Sacrament of Penance.**—(a) Circumstances that are of an essential kind, that is, those that change the species or add a new species, must be mentioned (*e.g.,* the fact that contumely was blasphemous or calumnious or scandalous or directed against a cleric or parents). (b) Circumstances that are merely accidental, such as those given in the previous paragraph, need not be mentioned, for they are merely various ways of committing the same sin of contumely.

**2014. The Sinfulness of Contumely.**—(a) From its nature contumely is a grave sin of injustice, for it robs one of honor, which is more prized than any other external possession, since it is a testimony to virtue and to the esteem of fellowmen honestly earned. Hence, men will often sacrifice health or wealth or life itself to save honor. He who calls his brother a fool is deserving of hell (Matt., v. 22), and the contumelious are classed with those who are delivered over to a reprobate sense (Rom.,

i. 30). But, as sins of the tongue are imputable only in so far as they express the mind of the speaker, contumelious words are gravely sinful only when they proceed from a direct purpose to inflict serious disgrace (*e.g.*, Titus applies to Balbus an epithet that is not regarded as very abusive, but his purpose is to manifest his supreme contempt), or from an indirect intention to effect this (*e.g.*, Claudius jokingly addresses Sempronius by a very disgraceful title, not meaning any great harm, but knowing that Sempronius will feel this deeply or that in the eyes of the bystanders he will be greatly dishonored).

(b) From the imperfection of the act or the smallness of the matter, contumely is made a venial sin. Thus, if one who is suddenly carried away by anger or who is not thinking of what he says calls another person a very vile name, there is not sufficient advertence for a grave offense; and if one who is acting with full deliberation addresses another in language that is only slightly disrespectful, there is not sufficient harm done to constitute a mortal sin.

**2015.** The gravity of the matter in contumely depends, not only on the character of the signs of disrespect, but also on the persons concerned.

(a) Thus, the less the respect which the offender owes the offended party, the less the offense. Hence, for a subordinate to call his superior a liar or an ass is a more grievous fault than for a superior to give the name to his subordinate.

(b) The less authoritative the word of the person who utters contumely, or the less evil animus that attaches to his speech, the less the dishonor and the sin. Thus, fishwomen were once notorious for vituperation, but little attention or weight was given to their words. A person of that character, then, might commit only a venial sin by a very abusive word, whereas a person of more respectable character would sin mortally by using the same expression. Similarly, when parents or teachers berate their subjects as fools, blockheads, dunces, etc., there is generally no bad spirit behind these exclamations, and hence the use of such expressions is not very sinful, even when correction is not being made.

**2016.** Is the gravity of contumely lessened by the fact that the offended person feels the injury less?

(a) If the contumely is felt less because the dishonor itself is less, the gravity of the sin is of course lessened, for example, if the person offended is less deserving, or the person who offends is not taken seriously (see **2015**).

(b) If the contumely is felt less only because the person dishonored is very meek and patient, the gravity is not lessened, but is rather increased (see **1725**). If the person offended does not feel the injury at all (*e.g.*, because he is very thick-skinned or is very fortunate), less damage is done, but the wrong remains; otherwise, theft from the rich could be excused on the plea that they will not miss what is stolen.

**2017. The Causes of Contumely.**—(a) Pride is sometimes a cause, inasmuch as those who consider themselves better than others are quick to express the contempt they feel for others, if they hope that this will add to their own glory (Prov., xi. 2). But a proud person will just as often disdain to revile those whom he despises.

(b) Foolishness (see **1621**) is sometimes a cause of contumely, for the foolish man speaks without thinking as he should or without caring what damage his words may cause (Prov., xx. 3). Hence, those who speak abusively to others merely in order to raise a laugh among the bystanders, little caring about the disrespect they show, cannot excuse themselves on the plea that it was all a joke.

(c) Anger is the usual cause of contumely, for the angry man seeks to show his revenge in some open and manifest way, and there is no easier or more ready means to this end than bitter, scornful or jeering words. Hence the danger of contumelious reprimands given by superiors. The subject will be enraged by the hard names applied to him, and the superior in his wrath will easily go to extremes, even of mortal sin, on account of the language he uses (*e.g.*, exaggerated invective) or on account of circumstances (*e.g.*, the scandal given).

**2018. The Duty of Bearing with Contumely.**—(a) As to the internal disposition, one should be ready and willing to suffer insults without making any answer to them, if this is necessary. For the precept of patience requires that one be prepared in mind to tolerate injuries and to give place to wrath, should the circumstances at any time call for such restraint. In this sense Our Lord spoke when He commanded that one turn the other cheek to the striker (Matt., v. 39), and He practised His teaching by making no reply to the insolence of those who were implacable or who only sought material for accusations.

(b) As to external conduct, one should repel contumely when there are good and sufficient reasons for this course, and hence Our Lord protested against the unlawful blow given Him in the court room, and which the judge should have reprimanded (John, xviii. 23). He also refuted those who decried Him as a blasphemer, or glutton, or demoniac, or political disturber. But if no good end will be served by self-defense, or if greater evils will follow from it, no answer should be made. One should be more desirous to possess the right to honor and fame—*viz.*, virtue and a worthy life—than to possess honor and fame themselves, for goodness is always a blessing, but prosperity is not unfrequently a real misfortune. Indeed, Our Lord says that to be persecuted, reviled and calumniated places one in the same class as the good men of the past (Matt., v. 11).

**2019. The Chief Reasons for Resistance to Contumely or Detraction.**—(a) The good of the offender, in order that his boldness be subdued and that he be deterred from such injuries in the future, is a sufficient reason. Hence the words of Proverbs (xxvi. 5) that one should answer a fool, lest he think himself wise.

(b) The good of others is another reason, in order that they be not demoralized by the vilification of one whom they have looked up to as an example and guide, especially if silence will appear to be a sign of weakness or carelessness or guilt. Hence, St. Gregory says that preachers should answer detractors, lest the Word of God be without fruit.

(c) The good of self is a third reason for replying to contumely, for to enjoy the respect and esteem of others helps many a good person to act worthily of the opinion in which he is held, and it restrains many a sinner from descending to worse things than those of which he is guilty. Hence, Eccl., xli. 15, admonishes that one take care of a good name, and Prov., xxii. 1, places a good name above wealth.

**2020. The Duty of One Who Answers Contumely or Detraction.**—(a) The spirit of the answer should be that of charity, not that of revenge or of unquiet or exaggerated anxiety about personal honor or fame; otherwise one becomes like to the offender (Prov., xxii. 2). A person would sin even by silence in the face of contumely, if the spirit behind his non-resistance was malicious (*e.g.*, if he intended to enrage the other party the more by disregarding the attack).

(b) The manner of the answer should be moderate, and the reply should not go beyond the bounds of reasonable self-defense (see **1833**). It is lawful to deny the charge, or by retort to turn the tables on the assailant, or to sue him for slander or libel; but it is not lawful to challenge him to a duel or to utter calumnies (see **1843**).

**2021. The Duty of Making Restitution for Contumely.**—(a) If contumely is not contrary to commutative justice, there is no duty of restitution. Hence, dishonor that is purely negative, such as the refusal to uncover on meeting a clergyman, does not oblige one to make restitution, for the omission is contrary to the virtue of observance or reverence but not to commutative justice. The case would be different, however, if negative dishonor were so marked or noticeable as to be equivalent to positive disrespect, as when at the entrance of a distinguished personage all in the room arise except one man who remains seated and gives a bitter look at the newcomer.

(b) If contumely is contrary to commutative justice, restitution is due. All agree that commutative justice is violated when contumely becomes vilification, or when an insult is committed in the presence of onlookers with the purpose of making the offended person seem contemptible in their eyes. But there are two opinions about the case when contumely is merely revilement, or an insult offered when there are no others present and the purpose is to make the offended person appear vile in his own eyes.

**2022. Opinions on the Duty of Restitution for Revilement.**—(a) One opinion holds that injury is done, not damage, and hence that satisfaction is owed rather than restitution. Further, it is held that satisfaction is penal and so not obligatory (except out of charity) before judicial sentence.

(b) Another opinion says that damage is done as well as injury, since men regard an insult, even though offered in private, as an unjust deprivation of a great good. Satisfaction of a very humiliating kind, such as the begging of pardon on bended knees, as being penal, can await an order from authority, but the ordinary forms of reparation, such as expression of regret or request for forgiveness, should be made without any such order (Matt., v. 24).

**2023. What Kind of Reparation Should Be Made for Contumely?**—(a) In general, the rule is that contumely should be repaired by a bestowal of the same kind of goods as those of which the offended party was deprived; and hence dishonor is repaired by honor, disrespect by respect. The injured party should be aware that reparation is being made, or at least that honor is being shown him. If by reason of contumely one is responsible for other damages that followed (*e.g.*, if one foresaw that one's affront would lead to money losses, enmities, quarrels, bloodshed, etc.), one is duty bound to make good these losses also.

(b) In particular, the honor that should be offered in atonement is generally an apology, for this is both satisfaction for the wrong done and a token of esteem. At times, according to some, more is required, for if the insult was very gross, a mere request for pardon is perhaps not sufficient; on the other hand, less may suffice, as when the indignity was slight. Many authors hold that a respectful apology is sufficient reparation for any contumely. Among the lesser forms of restitution for dishonor are signs of friendship, courteous greetings, a pleasant chat, an invitation to call at one's home, a dinner or toast, a eulogistic speech, etc.

**2024. The Manner of Making Apologies.**—(a) They should be made with at least as much formality as accompanied the insult. Hence, if the injury was public, the acknowledgment of error should also be public. (b) They may be made either personally or by intermediary. If the guilty person cannot very well appear before the offended person, he may send his regrets by letter or through a representative.

**2025.** Since the gravity of contumely depends on the relations between the parties and other circumstances, an apology is not always necessary.

(a) Thus, if the offender is an inferior or an equal, an apology should be made for a serious insult, at least when the offended person insists on it. Thus, a cheerful salutation by a child does not atone for a vile name applied to his father. If an inferior dishonors a superior through ignorance, he makes amends by acknowledging his ignorance and showing respect, as was done by St. Paul (Acts, xxiii. 5).

(b) If the offender is a superior, an apology is never necessary, lest by abasing himself he lose the prestige which his office should have. Hence, if a father has used harsh language to his child, it would not be seemly for him to ask the child's pardon, but he should show some mark of kindness to heal the wound.

**2026. Cessation of Obligation of Restitution.**—The obligation of restitution for contumely ceases in certain cases (see **1797, 1798**). (a) Thus, impossibility excuses, as when one cannot make reparation without renewing an old feud that has been buried and forgotten. (b) Forgiveness by the offended person excuses. The offended party forgives the debt expressly when he says or shows that he does not care to have an apology; he forgives implicitly, when he retaliates by an equally injurious action, defends himself by retorting equal contumely on his adversary, or obtains equivalent satisfaction from a court of justice.

**2027.** A confessor should not impose the duty of an apology in certain cases.

(a) Thus, if this command would be harmful, it should be omitted, as when a penitent is in good faith and would be put in bad faith by the admonition. (b) If this command is not necessary, it should be omitted, as when the duty of an apology has ceased for one reason or another. In the case of children who speak or act disrespectfully to their elders, it may at times be taken for granted that the elders, especially the parents, do not expect an apology for trifling cases of disrespect. But, on the other hand, it may often be advisable to require such children to apologize for their rudeness, in order to cure them of it.

**2028. Defamation.**—Defamation (backbiting) is the unjust blackening of the reputation of another person by secret words.

(a) It is *unjust,* that is, it has no reasonable motive to justify it. Defamation differs from just revelation of secret faults.

(b) It is a *blackening* or besmirching, that is, a taking away or lessening of fame. Defamation casts a shadow over or totally obscures the brilliance of a good reputation.

(c) It is against *reputation,* that is, against the favorable opinion and report of the public on the virtue and character or other good qualities of a person. Thus, it is defamation to say that an individual is a drunkard, or that a professional man is incompetent, if these persons are not known to have such defects. If a person has no reputation here and now, except a bad one (*e.g.,* a criminal who has just been convicted and sentenced to prison, a loafer who is often seen intoxicated on the streets, a woman who is often heard peddling scandals), it is not defamation to speak about the true and public faults of this person; nor is it sinful to speak thus if there is some suitable reason (*e.g.,* to discuss a murder trial that is being reported in the papers, or to tell a humorous incident that will do no harm). But those who uselessly or harmfully discuss the known weaknesses of their neighbors are sinners called gossipers or fault-finders.

(d) It is against the reputation of a *person,* that is, of an individual possessed of right. The party offended by defamation can be a natural person (*i.e.,* a rational being, whether infant or adult, high or low, rich or poor) or an artificial person (*i.e.,* a society, group or collection of individuals endowed with reason); he can be either a living or a deceased person, for death does not destroy the soul nor take away the right to reputation.

(e) It is against the reputation of *another,* that is, defamation as now used is a sin of injustice, and one cannot be strictly unjust to oneself; but "self-defamation" may be used in a wider sense to designate a sin opposed to charity (see **1575 sqq.**).

(f) It is accomplished by means of *words,* that is, by oral communication or its equivalent. One can defame, therefore, by word of mouth, by deaf and dumb language, by writing, by a gesture, by silence, or by a look.

(g) It is done by words or signs that are *secret,* that is, by words or signs expressed before others but in the absence of the person who is defamed, or at least when he is thought to be absent (backbiting). The defamer is like the thief who wishes to do harm but does not wish the victim to know the author of the harm.

**2029. The Differences between Defamation and Contumely.**—(a) They differ in their purposes, for the defamer intends to hurt another in his reputation before the public, while the contumelious man intends to hurt another in his honor, either in his own eyes or in those of others. (b) They differ in their manner of procedure, for defamation is behind the back, contumely before the face, of the party who is injured. The defamer has some respect for his enemy, for he fears to face him and resorts to undermining, but the contumelious sinner despises his enemy and shows it by insulting him to his face.

**2030. Various Forms of Injury to Good Name.**—(a) By reason of the intention, the injury is either defamatory (as when derogatory things are said about another behind his back) or contumelious (as when derogatory things are insultingly said to him in his presence). Hence, there can be injury to reputation that is not contumelious (*e.g.,* the secret spreading of a rumor that Balbus is a drunkard); there can be contumely that is not injurious to fame (*e.g.,* the addressing of Balbus as a drunkard when no else is by, or when those present know already that he is a drunkard), and contumely that is injurious to reputation (*e.g.*, when one calls Balbus a drunkard before others who thought he was a sober man).

(b) By reason of the purpose, defamation is willed either explicitly or implicitly. In the former case the defamer expressly intends the blackening of his neighbor's reputation; in the latter case he intends something unnecessary, such as mere indulgence of levity or talkativeness, though the blackening of his neighbor is foreseen. Explicit defamation is regularly a mortal offense, implicit defamation a venial one; but the degrees of sinfulness may be changed, if the former sin causes slight, or the latter sin serious damage.

(c) By reason of the injury done defamation is either detraction or calumny. Detraction blackens a reputation by revealing faults or defects that are real; calumny (slander) injures reputation by stories that are untrue. A common form of calumny is a mixture of truth and falsehood (e.g., when a historian ascribes to a villain, in addition to real crimes, faults of which the latter was innocent), or of half-truths that convey the impression of what is untrue (*e.g.*, when a historian narrates that a certain character killed a man and does not give the background or causes of the killing, such as provocation, challenge, mistake; or when a biographer tells of the crimes of his subject and glosses over the virtues, or makes no mention of his amendment).

(d) By reason of the means used defamation is either direct or indirect. Direct defamation is more open and positive; indirect defamation is rather concealed or negative. There is also the distinction of slander (which is oral) and libel (which is written or printed). Libel is more grievous, since it has a permanence that is not found in spoken words.

**2031. Examples of Indirect Defamation.**—(a) Faint praise is a subtle mode of defamation, as when one says of an absent person that he has not committed murder yet, or that like everyone he has some good points, for to the listeners this indicates that the speaker does no hold a high opinion of the person discussed.

(b) Silence is also at times a hidden form of defamation, as when Titus says to Balbus that the absent Caius is good and

Balbus out of malice answers: "Let's talk about something else; we must be charitable"; or when Sempronius falsely declares in company that the absent Claudius is to the knowledge of Julius a depraved character and Julius, who is present, makes no protest against the misrepresentation.

(c) Depreciation is defamatory, as when one says that a person who is being discussed is not as pious or reliable as is commonly believed, or that there is great room for improvement, or that he is much better now than in times past, or that there is another side to the picture, or that he is good, but . . .

(d) Denial of good qualities is defamatory, when it lessens the esteem in which a person is held. The good qualities here referred to are those that render a person distinguished or commendable among his fellows: chiefly these are moral qualities (*viz.*, virtuous habits, dispositions and acts); secondarily, natural and internal qualities (such as learning, quickness of mind, experience, strength and health of body, and in women, beauty); finally, natural and external goods (such as wealth, famous ancestry, able assistants in business, or the excellent merchandise supplied, etc.).

**2032. Examples of Direct Defamation.**—The following are examples of direct defamation:

(a) sinister interpretation, as when one states that words or acts of a neighbor that were good or at least open to a good interpretation, were dictated by greed, ambition, pride, etc.;

(b) unjust revelation (detraction), as when one reveals secret faults or crimes;

(c) exaggeration, as when one magnifies a venial into a mortal sin, an exceptional or indeliberate fault into an habitual or deliberate sin; or when one distorts a sin of one species into a sin of another and far more heinous species, or accuses a whole class or body of men because one of their number has fallen. Those who add their own little detail or circumstance to a defamatory tale as they pass it along are proverbial examples of exaggeration: "Fama crescit eundo";

(d) false accusation (calumny) is the worst kind of defamation. Innocent XI condemned the proposition that one may probably use calumny without serious sin as a defense of one's own justice and honor (see Denzinger, n. 1194).

**2033.** Direct defamation is committed either by plain words or by insinuation. (a) Examples of defamation by innuendo are those ambiguous expressions or half-veiled accusations that arouse suspicion and often do more injury than plain accusations. Thus, to say with a laugh or in an ironical tone that a certain person is human, or broadminded, or prudent may be equal to volumes of abuse, since the words can have a bad meaning as well as a good one. Similarly, such expressions as, "What I know about him is not to be told," "I know what no one would believe," etc., may be taken for slurs on character. (b) Examples of defamation by plain speech are all those innumerable statements which, either in general terms (*e.g.*, that another person is a scoundrel, a villain, a reprobate) or in specific ones (*e.g.*, that another person is a blasphemer, a thief, a liar), tend to blacken the good name of a neighbor.

**2034. Good Repute or Fame.**—Good repute or fame is of various kinds. (a) Thus, by reason of its object, good reputation is either negative or positive. A negatively good reputation consists in the absence of any unfavorable opinion or belief about a person, while a positively good reputation is the common judgment in favor of a person's worth. (b) By reason of its relation to the real character of a person, it is either true or false. Thus, if a man is regarded by the community as honest, his reputation is true when he is really honest, but it is false when he is in fact dishonest. (c) By reason of its degree, it is either ordinary or extraordinary. Ordinary good repute is that which every person needs, and it consists in the public belief that an individual is trustworthy and competent in the affairs and duties that pertain to his state or occupation. Extraordinary fame is that which is not necessary, such as the celebrity which a person enjoys for unusual ability as a statesman, orator, financial expert, mathematician, or for virtue that is far above the average.

**2035. The Right to Good Reputation.**—(a) Those who are absolutely unknown (*i.e.*, both as to their identity and their character) have no right to reputation, since reputation attaches to one who can be named or described, and hence it is not defamation (though it might be rash judgment) to say that a stranger who passed on the street and was lost in the darkness must have been a criminal.

(b) Those who are known by sight or name, but who have not as yet shown what they are, have a right to a negatively good reputation, for a man should not be considered evil until his conduct has given ground for unfavorable judgment (see **1727 sqq.**). It is not defamation to say about an unknown family that has moved into a locality that we do not know what kind of people they are, but it is defamation to say that they are likely undesirable.

(c) Those who are known in a place and who have already acquired a good name there have a right to a positively good reputation; for, if the reputation is true, it is a good which they have honestly acquired; if it is false, it is a good of which they are in possession, and possession itself is entitled to respect.

**2036. Sinfulness of Detraction.**—The civil law does not generally punish slander if the slanderer can prove that his statements are true, but this does not make veracious defamation morally lawful. God detests and punishes crimes (*e.g.,* fornication) of which human law sometimes takes no account. The harmfulness of veracious defamation is both public and private.

(a) *Defamation Does Public Harm.*—The peace and order of the community would be seriously disturbed, if it were lawful to attack reputations simply because one was persuaded that they were unfounded: the person detracted would be hampered in his official business and social relations, innocent persons would be blackened as well as the guilty, and the friends and relatives would suffer with the person detracted.

(b) *Defamation Does Private Harm.*—The peace and security of the individual would be uselessly assailed. Reputation is profitable both in spiritual and temporal ways, and it is therefore a ruthless act to rob a person of it, when he has done nothing in public to forfeit it and its possession by him is harmful to no one.

**2037. Right to True and False Reputation.**—There is, nevertheless, a difference between the right to a true and the right to a false reputation.

(a) Thus, the right to a true reputation is an absolute and universal right, one which does not cease in any case, for truth and justice demand that one should not represent as evil a person who is really good. This right applies to an extraordinary, as well as to an ordinary reputation.

(b) The right to a false reputation is a relative and limited right, one which ceases when the common good on which it rests no longer supports it (*e.g.*, when it cannot be maintained without injustice). Moreover, there is no right to an extraordinary reputation, if it is based on false premises, for the common good does not require such a right, and hence it is not detraction to show that the renown of an individual for superior skill or success is built up on advertising alone or merely on uninformed rumor.

**2038. Sinfulness of Gossip or Criticism about Real and Known Defects.**—(a) It is not unjust, *per se,* since it does not take away fame, that being non-existent. (b) It is sinful, if there is no sufficient reason for it, but not mortally sinful *per se,* since grave harm is not done to the reputation of one whose reputation is already bad. The sin committed is usually that of idle talk or of uncharitableness, by reason of the disedification offered the listeners, or the malice that prompts the speaker, or the sadness that is caused to the person gossiped about. Gossip is dangerous, since it prepares the way for detraction, as detraction prepares the way for calumny.

**2039. Moral Species of Defamation.**—(a) Moralists agree that wrongful defamation is a sin against justice and charity. It violates justice, since it infringes a right which is not less strict than that of proprietorship over goods of fortune; it violates charity, since it is opposed to friendship and love of neighbor. They also agree that other species of sin can be added to defamation (*e.g.*, infidelity, as when one denies that Christ was sinless, or blasphemy, as when one defames a Saint).

(b) Moralists disagree on the question whether certain forms of defamation are distinct sub-species or only degrees of one lowest species. Some hold that detraction and calumny are distinct species, because calumny adds mendacity to defamation; others say that detractions about specifically different sins are distinct kinds of detraction (*e.g.,* that it is one species of sin to say that a neighbor is a drunkard, and another species to say that he is a thief, and the reason is that the reputation for temperance is a different thing from the reputation for honesty, etc.); still others hold that defamation of parents and other immediate relations is a special form of defamation, as being contrary to piety. There are, on the contrary, theologians who reject all these distinctions and hold that the difference between defamations is only one of more or less, since all of them have the characteristic note of attack on reputation, which is one right. Hence, just as the stealing of a cow and the stealing of a cat are only greater and lesser forms of the sin of theft, so likewise calumny and detraction, etc., are only major and minor degrees of the sin of defamation (see **2012, 2013, 2115**).

**2040. Species of Sins of Defamation.**—Since the species of sins must be particularized in confessions, the question of the distinction between defamations has practical importance. The common opinion on the line of action to be observed seems to be as follows:

(a) the penitent is obliged as a rule in serious matters to tell whether his defamation was simple detraction or calumny. The reason for this, according to some, is the specific difference between these two sins; according to others, the reason is that otherwise the confessor cannot know whether the sin was mortal or venial, or what restitution is to be imposed. As to detraction of parents or superiors, it seems that the quality of the person detracted should be mentioned, if there was any incitement to disrespect or disobedience;

(b) the penitent is not obliged to mention the sins or defects he ascribed to the person he defamed. Nor should the confessor inquire about this unless it is necessary in order to know what was the gravity of the sin or what kind of reparation should be enjoined (cfr. **2013**). Moreover, questions about what was said might easily lead to a disclosure of the name of the person defamed, and thus the confessional would be turned into a place of defamation.

**2041. The Numerical Multiplication of Defamations.**—(a) They are multiplied when there are many sinful acts about distinct objects; for example, when Balbus calumniates Caius today as a thief and Claudius tomorrow as another thief, there are two calumnies (see **209**).

(b) Defamations are multiplied when there are many sinful acts about the same object; for example, when Balbus calumniates Caius today as a thief and repeats the same calumny tomorrow, there are two calumnies. But if Balbus begins his story today and does not finish it till tomorrow, there is one calumny (see **214, 215**).

(c) Defamations are multiplied when there is one sinful act about many distinct objects; for example, when Balbus calumniates by saying that the two worst thieves he knows are Caius and Claudius, there are two sins. But if Caius and Claudius are regarded as a unit (*e.g.*, if they are the firm of Caius and Claudius), there is one sin. A like calumny would be that Caius came from a dishonest family (see **216–219**). If Balbus calumniates Caius before ten persons, he does not commit ten defamations, it seems, but ten scandals, since the ten form a body in the matter of fame, but are individuals in the matter of example. If Balbus calumniates by saying that Caius has broken all of the ten commandments, there may be ten calumnies or but one calumny, according to the intention and the effect (see **217, 218**).

**2042. The Theological Species of Defamation.**—(a) From its nature defamation is a mortal sin, and hence the Apostle declares (Rom., i. 29, 30) that detractors are hateful to God. In the first place, it inflicts an atrocious injury on the public welfare, sowing everywhere hatreds, dissensions and disorders—so much so that detractors are rightly called an abomination to mankind (Prov., xxiv. 9).

(b) From the smallness of the matter or the imperfection of the act defamation may be only a venial sin. Criticism of others is a vice so widespread that almost all mankind (even pious persons) would be involved in continual mortal sins, were it not for the fact that sins of speech are frequently the result of ignorance, thoughtlessness, or sudden passion (James, iii. 2 sqq.), and that the things said are frequently of no great harm to the person criticized.

**2043.** The gravity of the harm done by defamation is well expressed by St. Bernard when he says that defamation at one blow inflicts a mortal wound on the person defamed, on the defamer himself, and on the listener.

(a) Thus, the person defamed is robbed and often irreparably of a good name, one of the most esteemed of possessions; he is deprived of many spiritual and temporal opportunities, and is frequently dragged down to social and moral ruin, and even to suicide. Scripture says that the tongue of the detractor has the sharpness of a razor, and it compares him to an arrow dipped in poison, and to a biting serpent.

(b) The defamer destroys his own good name, at least in the sight of God, for he defiles his own soul with guilt; he disgraces himself before others, since it is well known that defamation is the vice of those who feel themselves inferior or guilty. And, worst of all, his sin is seldom repented of or repaired by satisfaction, since the defamer is generally too proud, hateful, jealous or revengeful to acknowledge his error, or is so blind that the thought of the harm he has done and of the grave obligation of satisfaction never crosses his mind.

(c) The listener is scandalized and contaminated by what he hears, his ideals are shattered, his respect for virtue or religion is destroyed, and he is encouraged to continue the work of the defamer.

**2044. Comparison of Defamation with Other Injuries against the Neighbor.**—(a) Defamation is less sinful than injuries to internal goods, and hence homicide and adultery, which are opposed to the good of the body and of life itself, are graver sins than defamation.

(b) Defamation is less sinful than injury to higher external goods perpetrated in a contemptuous manner, for defamation being secret does not add insult to injury. Hence, just as robbery is more offensive than theft, so is contumely more sinful than defamation.

(c) Defamation is more sinful than injury to lower external goods, such as lands and money, for fame along with honor approaches spiritual things on account of their relation to virtue, whereas wealth is of the order of corporeal things. Hence, the Scriptures teach that a good name is more important than great riches (Prov., xxii. 1), more enduring than thousands of vast and precious treasures (Ecclus., xli. 15).

**2045.** It should be noted that the foregoing comparison is based on the nature of the sins compared, for by reason of circumstances the order given may be reversed; for example, a slight indignity is less serious than an outrageous calumny, the theft of thousands of dollars is far more sinful than the circulation of a ludicrous story that is harmful, but only in a slight degree, to the reputation of a neighbor (cfr. **220 sqq.**).

**2046. Rule for Determining the Seriousness of Defamation.**—The rule for determining whether the matter of defamation is serious or not is the amount of harm done by the defamation, and hence not one but several factors have to be considered.

(a) Thus, the defect ascribed to the neighbor has to be considered, for some kinds of defects (*e.g.,* littleness of body or prodigality) are less disgraceful than others (*e.g.,* dwarfishness of mind or soul or niggardliness), and it is more harmful to reveal one mortal sin than to reveal a hundred venial sins.

(b) The person defamed is to be considered, for imputed defects that are not harmful to one person may be harmful to another (*e.g.,* the charge of being a toper might be considered praise among persons of gay or rough habits, but it would be regarded as disgraceful among serious and refined persons).

(c) The person who defames is also to be considered, for little attention is paid to the talk of some, but much weight is given to the slightest words of others. Indeed, some persons' condemnation is equivalent to praise.

(d) Finally, the persons before whom the defamation is spoken are to be considered, for everyone knows that it is much more harmful and dangerous to speak ill of others before certain ones than before others (cfr. **1461, 1462**).

**2047. The Harm Done by Reason of the Defects Revealed.**—(a) If the defects are natural imperfections of soul or body that do not connote moral stain or turpitude, and if no great detriment is caused by revelation (*e.g.,* to say that another person is deaf, hunchbacked, a beggar, or dense), disclosure is not in itself serious, or even sinful; for little or no harm is done, and the defects are of such a character that they can be readily discovered by observation. But if the defects are very ignominious or harmful, defamation is a grave sin (*e.g.,* to say that a very distinguished person is illegitimate, or of a mixed race, or that his immediate relative was a criminal).

(b) If the defects are related to moral stain, but do not imply it, revelation of them is not a grave sin, provided no great loss is caused by it (*e.g.,* to say that a person is scrupulous about himself, or has certain peccadillos or human imperfections). If a shortcoming is usually understood as a propensity rather than as a fault (*e.g.,* quick temper, high-strung disposition, pride, closeness with money), there is little if any harm done by speaking of it. But if the defects mentioned are such as imply or insinuate actual moral lapses (*e.g.,* to say that a person has a venereal disease and the cause is unknown, or that he has delirium tremens or morphinism, or is of a very passionate nature), the revelation is defamatory and more or less sinful.

(c) If the defects are moral, he who reveals them is guilty of sinful defamation. But the harm done by the imputation of moral guilt is greater in some cases and less in others. Some sins are more disgraceful from their degradation (*e.g.,* carnal sins, see **224**), and from this point of view it is worse to accuse a neighbor of gluttony or sexual irregularity than of pride. Some sins (*e.g.,* solicitation, sodomy) are especially heinous in the eyes of the law and produce legal infamy, because they are more harmful to the public or more subject to public contempt (see Canons 2320, 2328, 2343, 2351, 2356, 2357). There are also some defamations that are less harmful to reputation, but more damaging to material prosperity (*e.g.,* it is usually more hurtful to the prospects of a person in business to be charged with incompetency, dishonesty, or carelessness than to be charged with religious indifference or impurity). Finally, there are gradations in the malice of the same kinds of sin (see **197**), as in the angry thought, the angry word, the angry deed, in tipsiness and drunkenness, in occasional and habitual lying, etc.

**2048.** Is it sinful to narrate the secret faults of another, if at the same time one tells of his repentance and amendment? (a) If the infamy remains in spite of the remarks about a change of life for the better (as is generally the case), the narrator is guilty of sinful detraction. Thus, it is very harmful to one in an exalted position if it is given out that he was at one time bibacious, but succeeded in thoroughly curing his appetite. The same principle applies to those who praise in one matter and detract in another (*e.g.,* by stating that a person is very learned, but also very dishonest). (b) If the infamy does not remain, because the atonement is so extraordinary as to make the hearers think little or nothing about the fault, the narrator is not guilty of sinful detraction. Thus, it is not detraction to narrate that a saint was so grieved over a lie he told that he did lifelong penance for it, or that a person who was once lukewarm—a thing that is quite common—has in later years become fervent in an uncommon degree. But the stigma that attaches to uncommon sins or carnal sins is hardly overcome by the mention of repentance, unless the person spoken of is already long dead or is one from whom very little is expected.

**2049. The Harm Done by Reason of the Person Defamed.**—(a) Serious faults are sometimes attributed to certain persons without serious sin, because, on account of the life led by these persons or the notoriety they have already achieved, they suffer no serious detriment when defects *like* to those already known are charged against them. Thus, if it is well known that a person keeps company with a fast set or consorts with a tough gang, he suffers little if one reveals that he uses profanity, gambles, drinks to excess, etc.; and if it is known that a person has these vices, he is not harmed much by mention of a particular instance or by the additional report that he has been arrested for cheating and disorderly conduct. But the case is different if defects *unlike* those already known are charged (*e.g.,* if one says of a person known as a liar that he is also a thief), unless the person spoken of has so black a name as an all-around cheat that no new crime charged to his account can give a deeper dye to his reputation.

(b) Light faults or acts that are not sinful in themselves are sometimes matter of grave defamation when spoken of certain persons, namely, when so much is expected from these persons that even minor defects are serious blots on their fame. Thus, to say that a layman is a confirmed liar or loves the opposite sex might be only a venial sin or no sin at all, but the same statements about a grave cleric would be seriously defamatory.

**2050.** Defamation supposes that the party who is injured is in possession of a good name. But it is possible that the same individual who enjoys a good name in one place or time, has a bad name in another place or time. Hence, a number of special cases on defamation present themselves for consideration.

(a) Thus, there is the case in which a person who has a good name here is juridically infamous elsewhere; that is, he has lost his good name elsewhere through a final and valid sentence, conviction, or confession made in a public trial (see Canon 2197).

(b) There is the case in which a person who has a good name here is actually infamous elsewhere, that is, his crime is known to so many persons there that it is morally impossible to keep it secret or excuse it.

(c) There is the case in which a person who has a good name now was in bad repute formerly; that is, his bad name of the past has been forgotten or has been obliterated by many years of good living.

**2051. Meaning of the Expression "Infamous in a Certain Place."**—(a) The place referred to is either a closed community (*e.g.,* a monastery, a college, a family) or an open community (*e.g.,* a village, a neighborhood, a parish, a town, a city); (b) the notoriety referred to is either universal (*i.e.* known to all the community), or general (*i.e.*, known to the greater part of the community), or sufficient (*i.e.*, known to so many and such talkative persons that the whole community will shortly be made to share in it). A crime known only to one or two, or to a small circle of Christian-living persons, is not notorious.

**2052. Number of Persons Who Are Required for Sufficient Notoriety.**—(a) Some authors assign certain definite figures for this purpose—for example, in a closed community of thirty or a hundred members a fact is notorious if known to seven or fifteen; in a neighborhood of forty persons, if it is known to eight individuals from different families; in a village whose population is one thousand, if it is known to twenty here and there; in a town of five thousand people, if it is known to forty here and there.

(b) Other authors hold that no invariable rule can be given, but that in each case the matter has to be determined by a prudent judgment based on the character of the crime, the quality of the guilty person and of the persons present at the time, the publicity of the place, etc. Thus, if the crime was committed in some central spot from which news was quickly disseminated, a smaller number of spectators would make a deed notorious in the surrounding territory.

**2053. Publicity of Commission or Report.**—Actual infamy or disrepute is produced either by the publicity of the crime or by the publicity of the report.

(a) Thus, a crime has publicity in its commission when it was done in a public place (*e.g.*, on the street, in a public room) or in a private place but before a considerable number of persons, or when its indications were publicly given (*e.g.*, by a confession, by maintenance of a suspected woman in one's home), or when it was submitted to public notice or judgment (*e.g.*, the acts of one in public office, the words of one who delivers a public address, the deeds of one who boasts about them).

(b) A crime has publicity in its report, when it is widely known, whether due to the talk of the people, or to presumptions or suspicions.

**2054. Revelation about a Person Who Is Juridically in Disrepute Elsewhere.**—(a) This exposure is not contrary to commutative justice, according to the common opinion, for the condemnation deprives the criminal of his right to fame (as regards the matter in which he is found guilty) in all places, and it is often to the interest of the public to know who has been convicted of crime elsewhere. Exception should be made for the case in which a trial is conducted secretly in order to spare the reputation of the condemned, as when a corporation expels one of its members after a hearing and an unfavorable vote (see **2057**).

(b) This revelation is contrary to charity when it deprives a person without reason of the good fame which he possesses and which he would not otherwise have lost; for we should love our neighbor as ourselves. Example: Balbus served a term in jail in the town of A, on account of drunkenness. He then moved to the distant town of B and by his good conduct built up an excellent reputation. Claudius from A arrives and maliciously spreads around the news that Balbus had been once in jail for drunkenness. Claudius sins gravely against charity.

**2055. Revelation about a Person Who Is Actually in Disrepute Elsewhere.**—If the person in question will in all likelihood soon lose the reputation he has here, the following cases must be considered:

(a) if the disrepute is based on the publicity of a misdeed, the revelation is not opposed to commutative justice; for he who sins publicly thereby resigns his right to reputation as regards all those persons and places to which knowledge of his delinquency is likely to arrive. The revelation is against charity, however, if there is no sufficient reason for it; but since the news would be soon brought hither from other sources, no great harm is done and no serious sin committed by the revelation;

(b) if the disrepute is based on public rumor and the rumor is unjust, revelation, according to some, is opposed to commutative justice, since it is nothing but a continuation and extension of the original injury. Others hold that, unless one knows the rumor to be false, revelation is not unjust in this case, since, as is supposed, the revealer was not the author of the rumor, and those to whom he spoke would have learned it shortly even without him. Of course, if the person about whom the revelation is made suffers some considerable damage by reason of the early loss of his good name, the person who makes the revelation unnecessarily is guilty of serious sin. And rumor should never be represented as an established fact.

**2056.** If the revelation is made about one who is actually in disrepute elsewhere, but who is in little danger on that account of losing the good name which he has here, opinions differ regarding the extent of the guilt.

(a) Some hold that revelation in this case is a grave sin against charity, since in a serious matter it saddens a neighbor, and thus violates the rule of love to do unto others as we would have them do unto us; and others add that it is also a grave sin against justice, if the party spoken against is solicitous about his fame, since it deprives him without reason of a great good to which he is entitled on account of undisturbed possession.

(b) Others hold that this revelation is not a grave sin, either against justice (since the right of the community to know about crimes that were committed elsewhere prevails over the right of the individual) or against charity (since charity does not oblige under grave inconvenience).

(c) Others again distinguish between different cases. Thus, some say that, if the crime in question is one that is very detrimental to the public (*e.g.,* murder, treason, white slave traffic, scandalous impurity), the opinion under (b) is true; whereas, if it is one that is not of that character (*e.g.,* drunkenness in a private person), the opinions under (a) are true. Some also distinguish in the case of non-pernicious delinquencies between those that are notorious elsewhere by reason of the public way in which sin was committed and those that are notorious only on account of rumor; in the former case, they say, the manifestation is not unjust, for, although public good does not call for it, the guilty person himself has forfeited his right by the public manner in which he sinned; but in the latter case it may easily be unjust (see previous paragraph). The mere fact, however, that a fault which contains no threat to the public welfare was committed in a public manner does not seem to be a sufficient reason for manifestation (*e.g.*, when it will injure a man in earning a living or in supporting his family), and we believe that one who speaks of such a fault without necessity sins against charity, if not against justice, and that the sin is often mortal.

**2057. Notoriety in a Closed Community.**—Notoriety in a closed community is not absolute publicity, and hence the conclusions just given on absolute publicity do not apply to closed communities.

(a) Thus, if a fault is actually notorious in a closed community, the members may speak about it to one another, if there is any sufficient reason for this. Hence, if the majority of the members of a religious house know about a fault that has been committed there, it may be divulged to one who is in ignorance about it for his instruction or warning. Similarly, servants in a house may tell other domestics about faults which are commonly known in the house.

(b) If a fault is notorious in a closed community but not outside, the members as a rule may not speak or write about it to outsiders without injustice, for generally speaking there is no reason arising from necessity or utility for such a revelation. Moreover, the community itself suffers in repute from such disclosures, since outsiders will be impressed with the thought that the community has wicked members or is lax, and that there is a lack of unity among them. To carry stories from one monastery or house to another (even of the same Order) is a form of detraction to outsiders, according to St. Alphonsus.

**2058. Revelation about a Person Formerly in Disrepute.**—When the revelation concerns one who was in disrepute formerly, but who has a good name now, either because his crime has been forgotten or because he has lived it down, a distinction must be made between juridical and actual notoriety.

(a) If the former disrepute was juridical notoriety, the revelation of it is not unjust, since condemnation pronounced in a court of law gives the right to others to make the sentence known in any place or at any time; but more probably it is mortally uncharitable, if made without necessity, since it harms the other person or his family in the reputation which he has honestly recovered, thus depriving him of a good most useful to him and hurtful to no one else.

(b) If the former disrepute was actual notoriety only, the revelation is uncharitable, according to all, since it does not observe the golden rule of doing to others as we would be done by. Many hold that it is also unjust, since an obliterated crime is the same as an occult crime, which cannot be divulged without injustice (see **2067**). Moreover, the person who has built up for himself a new reputation has a right to it, and by the revelation of the old reputation this right is infringed, inasmuch as his present good name is also lost or made useless. It should be noted that the common good sometimes makes exceptions, and thus it is not forbidden to historians to make revelations about happenings that throw a new and unfavorable light on the youth or earlier years of persons no longer living (see **2072 sqq.**).

**2059. Case in Which the Name of the Person Defamed Is Not Given.**—(a) If there is nothing to indicate the individual and no reflection is cast on a body to which he belongs, *per se* no sin is committed. Hence, if one says, "A certain person whom we shall call Balbus stole a sheep," there is no defamation in the narrative, even though a real happening is described. Similarly, if one says that in the city where he is speaking there are many criminals, or that even among his numerous auditors there are doubtless some who are living in mortal sin, there is no defamation.

(b) If there is something to indicate the individual meant, or if reflection is cast on a body to which the individual belongs, sin is committed by the remarks. Hence, if the narrative about Balbus and the stolen sheep went on to describe incidents so that the hearers could easily perceive that Balbus was a person known to them, this person would be injured in his fame. Again, if one states that in a certain city which one names 90% of the married people are addicted to drunkenness, or that the party who was guilty of some scandalous act was a member of a Religious Institute, harm is brought directly upon individuals or damage is done to societies. It is true that an organization is not really discredited by the misdeeds of one of its members, but in popular opinion very often the disgrace of one is the disgrace of all.

**2060. Defamation of Deceased and Legal Persons.**—(a) Defamation of the dead, whether they be long or only recently dead, is sinful *per se,* since the departed are capable of a glorious or inglorious memory, and it is reasonable that one should wish one's good name to be respected after one's death, both for one's own sake and for the sake of others. Hence the saying, "De mortuis nil nisi bonum." But *per accidens* it is not sinful to make revelations about the dead when this is necessary for historical truth (see **2072 sqq.**). Defamation of the dead in itself is less sinful than defamation of the living, since the dead have less need of a good reputation; but circumstances may be such that one who defames a dead person does serious harm and commits a mortal sin.

(b) Defamation of legal persons is also sinful *per se,* since these bodies possess along with other rights of natural persons the right to a good name. Public esteem is very necessary for them, and they are protected in their enjoyment of it by the laws. Thus, it is injurious to state that a certain Religious Order or monastery or diocese is relaxed, or that a certain business corporation is not well managed. But *per accidens* it is not sinful to make revelations about organizations, when there is a sufficient reason for the revelation (see **2067**). For example, if a political party is preying on the citizens, or if a mercantile house is practising frauds, the common good would require one to make these facts known. Neither is it sinful to mention faults or defects that are notorious, for example, that a certain government is warlike, that a certain people is backward, that a certain group is devoted to erroneous principles or practices (Tit., i. 12).

**2061. The Harm Done by Reason of the Person of the Defamer.**—(a) The person of the defamer increases the harm when his authority is greater. A person who is supposed to be better informed (*e.g.*, one who reports that he was an eyewitness of the event he narrates), or who enjoys a better reputation for truth (*e.g.*, one who is in an official position, or who is thought to be honest and disinterested), does more harm by defamation than another whose authority is weak.

(b) The person of the defamer decreases the harm when his authority is less. Hence, those who give out unfavorable reports about others with reservations (such as "perhaps," "it is not impossible," "it seems so, but I would not swear to it," etc.), and also those whose weight as authorities is light (such as talkative, lightminded, envious, gossipy, or untruthful persons), do less harm than persons who are held in higher repute. The confessor should not let these defamers off easily, however, since many of them act on the principle that if enough mud is thrown, no matter how foolish the charges, some of the mud will stick.

**2062.** One of the commonest forms of defamation is the narration of some crime or defect at second hand, as when the defamer introduces his remarks as follows: "They say," or, "It is reported," or, "I hear," etc.

(a) The mode of defamation here lessens the sin when it weakens the effect of the story upon the hearers. Hence, if one says that the talk of the town is that Claudius is a heavy drinker, and the listeners gather from this only that there is a vague rumor which cannot be traced to any source or be confirmed by any fact and which is therefore unreliable, the harm is less.

(b) The mode of defamation here does not lessen the sin when it does not weaken the impression of the story; on the contrary, it increases the sin when it adds strength to the story. Hence, if one says that Claudius is said to be an excessive drinker, and if from the phrasing the listeners will understand that the report originated with very good authorities, or that it is based on general knowledge of the public, the harm is greater. Justice is violated if the narrative itself inclines the hearers to sinister thoughts or suspicions, for then the narrator causes the harm; charity alone may be violated if it is only the character of the listeners (*e.g.*, their suspicious or frivolous minds or their own guilt) that engenders in them evil opinion, for then the narrator only occasions the harm (cfr. **1447, 1464**).

**2063. The Harm Done by Reason of the Listeners.**—(a) The quality of the listeners makes a difference, since it may cause the person defamed to suffer more or less readily in their eyes (*e.g.*, if they are suspicious, or prejudiced, or credulous, or guilty themselves, they will more easily believe evil about others) or in the eyes of others (*e.g.*, if the listeners are newsmongers or enemies of the person defamed, the spread of the defamatory story is more certain). The loss itself may be greater or less on account of the character or position of the listener (*e.g.*, loss of reputation with a friend or a virtuous person is felt more, loss of reputation with customers or employers is more damaging, etc.).

(b) The quantity of the listeners also makes a difference, since it is more harmful, other things being equal, to be defamed before several than before one. Hence, the fact that many persons are present when the defamation is uttered is an aggravating circumstance of the sin. Whether it multiplies the sin numerically, so that one commits as many sins of defamation as there are persons who hear and are impressed, is a disputed point. Those who hold for multiplication argue that the defamed person has a distinct right to his reputation with each person present; those who deny multiplication contend that the right to reputation is a single object, since reputation is the opinion of others, whether they be many or few. This latter view seems to be more common, and its practical bearing is that a penitent need not mention the number of persons before whom he defamed his neighbor (see **217**).

**2064.** Is the malice of defamation aggravated by the fact that the listeners are peculiar and think the defect mentioned is far more serious than it really is?

(a) If only the harm to reputation is considered, it does not seem that the over-strict notions of the listeners increase the sinfulness of defamation; for the harm to reputation is to be measured by the common opinion, not by the singular ideas of certain persons. Example: Sempronius tells that Balbus wastes a little time in telling humorous incidents and reading detective stories. The small group of auditors think that this is one of the blackest of crimes.

(b) If other harms are taken into account, the peculiar ideas of the listener may add to the sinfulness of defamation. Thus, if a young person of delicate conscience will be scandalized at hearing that Caius plays cards, or if older listeners will be led by this remark to take their trade away from Caius, the sins of scandal and of unjust damage are added to defamation. Defamation often destroys in the listener all faith in humanity, or all belief in religion.

**2065. Detraction to One Discreet Person.**—Is detraction a mortal sin, if the revelation of a serious sin is made without sufficient reason but to only one prudent and discreet person, who will neither divulge the information, nor be influenced by it to the harm of the party spoken against?

(a) If the purpose of the speaker is to inflict serious injury on his neighbor, mortal sin is committed, since the gravity of the sin is measured by the malevolence of the will.

(b) If the purpose of the speaker is not to inflict serious injury, but only to indulge his love of talk, levity of mind, etc., the gravity of the sin depends on the actual harm that is done; for one wills indirectly the harm connected with one's acts, even when one does not desire it directly (see **102**). Hence, if the harm is in fact serious, mortal sin is incurred by the detractor, unless he is excused from it by the imperfection of his deliberation or consent. How much harm, then, is done in this case? Most moralists, it seems, think grave harm is done, since the loss of good name with one prudent man is generally more distasteful than its loss with many light-minded persons. Some moralists, however, dissent from this view, and hold that the harm done is small. They argue that the loss of good name with one prudent person (exception being made for the cases when he is the one person whose esteem is prized above that of all others, or when the crime revealed is an enormous or very degrading one) is not a great blow to reputation, since reputation consists in the opinion of many persons, and since a prudent man will be inclined to help rather than harm one who has been defamed in his presence. The advocates of the first opinion appeal also to the analogy of contumely and rash judgment, for these two sins are grave, even when the loss of honor or good opinion is in respect to one person only. But their adversaries deny the assumed parity: for, while contumely includes the purpose to injure and rash judgment includes the imputation to another of a defect of which he is not guilty or not known to be guilty, the detraction now considered is innocent both of design to injure and of calumny. Both opinions are probable, but the former seems to be more common and more likely.

**2066. Belittling a Person to Himself.**—It is not impossible to belittle a person to himself, for example, to make him believe that he is illegitimate, that he is regarded with contempt by others, that his ability is mediocre or his character defective, etc. Is this defamation, or is it sinful?

(a) To lower a person in his own estimation is not defamation in the strict sense of the word, since defamation is properly an injury to the reputation that one has with one's neighbors or with the public, not to the opinion one has of oneself. This sin belongs rather to derision (see **2106**).

(b) To lower a person in his own eyes is sinful or not sinful according to the purpose intended or the means employed. Thus, if a parent, wishing to correct the pride or presumption of his son, gives the latter a true picture of his failings or limitations, the act is one of virtuous correction. But if an envious person, wishing to produce a sense of inferiority in another, deprives the latter of rightful peace of mind and of reasonable confidence in self, charity and justice are violated and there is a duty of restitution.

**2067. Disclosing Matters Detrimental to Third Party.**—In what cases is it lawful to disclose to others matters that will be detrimental to the reputation of a third party?

(a) If the communication is false, it is never lawful, no matter how important the reason; for the end does not justify the means. It is sinful, therefore, to resort to calumny as a defense of one's own reputation or dignity (see **2035, 2036**).

(b) If the communication is truthful and the matter is already well known to the persons addressed, there is no defamation, unless the communication makes these persons strongly convinced, whereas they had been rather uncertain before, or reveals to them some important detail about which they had been in ignorance.

(c) If the communication is truthful, but the defects are secret and unknown to the parties addressed, there is defamation, unless the person whose defects are revealed has lost his right to good name on account of the right of another person which has precedence and cannot otherwise be upheld (cfr. **2035**). In this latter case there is no obligation to maintain silence, neither from justice (since the lesser right must yield to the greater right) nor from charity (since this virtue does not oblige at the cost of great inconvenience). Thus, Our Lord made known to the Apostles that the Pharisees were hypocrites (Luke, xii. 1; Matt., xvi. 6), and St. Paul told Timothy that Alexander and Hymeneus had neither faith nor a good conscience (I Tim., i. 20).

**2068. Rights that Have Precedence over a False Reputation.**—(a) The public good is to be preferred to a false reputation, for the public welfare is the ground for the right to such reputation, the subject himself being unworthy of the good name he bears (see **2037**). It is right, therefore, to denounce criminals or conspirators to the proper authorities, or to testify against them. Employers have the duty to discuss together the failings or imperfections of their employees that interfere with the business; subjects should manifest abuses about which they are asked in a canonical visitation; students in a college should give information about companions who are depraving the morals of the student body or exercising an evil influence on the other residents, etc.

(b) The private good of innocent parties may be preferred to the fame of one who enjoys a false reputation. One may reveal secret defects for one's own defense; for example, a person whose life, honor or property is being unjustly attacked may reveal sins of the guilty in order to deter them or weaken their authority; a person who has been injured by his superior or another party may speak of this to a friend for the sake of obtaining consolation, or to a confessor, a lawyer or other adviser for the sake of obtaining counsel or assistance. One may also reveal secret defects for the protection of others; for example, one should put unsuspecting persons on their guard against seducers, impostors, quacks; one should reveal impediments that stand in the way of a marriage, or should warn a young woman that the man to whom she is engaged is a criminal or diseased; one should make known the true author of a crime for which an innocent person is about to suffer; one should tell the truth to inquirers about the incompetency of servants or other persons whom one has employed.

(c) The higher good of the person whose faults are revealed may also be preferred to the lower good of his false reputation; for it is to his interest that his higher good be promoted, even at the expense of an inferior good. It is lawful to tell parents about the misdeeds of their children (*e.g.,* that a daughter is involved in a scandalous liaison), in order that the latter may be corrected; or to speak to the friends of wayward persons about the misconduct of the latter in order that prayers may be said for their conversion.

**2069. Unlawful Attack on Another's False Reputation.**—If the false reputation of another is not the unjust cause of a loss that is feared, it is not right to deprive him of his good name. Examples: (a) It is not lawful to accuse a person who is about to be promoted to some office or dignity of which he is worthy, if the motive of the accusation is to secure the honor for oneself or one's friend; otherwise ambitious persons would be encouraged to practise spying, manufacturing of evidence, etc., and the public peace would be greatly disturbed. (b) It is not lawful to accuse a person who is giving one no offense, if the motive of the accusation is to distract attention from oneself or to make oneself shine by the comparison.

**2070. Conditions that Justify Revelation of Another's Defects.**—In revealing defects on account of some necessary good, one must observe the conditions for an act of double result (see **103**).

(a) Thus, the action itself must not be evil, and hence one may not break the seal of secrecy to which one is bound (as will be said in the next Article in discussing violations of secrets), nor make use of knowledge unjustly acquired, nor reveal more or to more persons than the case demands, nor reveal anything, if a warning to the offender will suffice (see **1286**).

(b) The good result must be intended, and the evil result of detriment to fame must be only permitted. Those who assign pious motives (pity, zeal, sincerity) for talk against a neighbor, but who are really actuated by hatred, revenge, ambition to defeat a rival, or other like passion, sin on account of their wrong intention. A hypocritical form of defamation is practised by some persons exteriorly devout, who under the pretext of asking prayers for their neighbor's conversion spread stories about those whom they dislike.

(c) The reason for permitting the evil must be sufficiently weighty. Hence, the good result intended must be one that is likely to follow on the revelation, and it must be of some importance; for it would be cruel to throw away a neighbor's good name on the mere possibility that a considerable good would be secured, or on the certainty that only a slight benefit would be obtained. It does seem, however, that the good which is hoped for must be of an equal dignity with the good of fame, since the innocent and the guilty party are not on the same footing, and furthermore all admit, for example, that the fame of an employee who is stealing from his employer is not to be preferred to the goods of the employer. In doubt about the seriousness of the evil following on revelation, the innocent party is to be favored.

**2071. Revelations about Public Officials or Candidates for Public Office.**—(a) These are lawful when the public good calls for them (*e.g.*, when a man has used corrupt practices in order to be elected, or when he is incompetent, or when he has been guilty of malfeasance in office), and the conditions of the previous paragraph are observed.

(b) These revelations are unlawful when the public good suffers from them (*e.g.*, when the safety or dignity of society itself would be injured by attacks on the head of government), or when the due conditions are not observed (*e.g.*, when one resorts to personalities about a deserving public official, or practises muckracking because of mere prejudice or partisanship). The law permits fair comment on public persons or works, but it also grants an action for criticism that contains unfair aspersions of personal character or unjust accusations about public conduct.

**2072. Revelations about Historical Personages.**—(a) These revelations are not lawful unless there is a proportionate reason that justifies them. For historians there are sufficient reasons to narrate impartially the crimes as well as the virtues of those who appear in their pages. These reasons are: the nature of history as a record of facts and causes ("the first law of history is that it dare not tell any untruth, that it fear not to tell any truth," Leo XIII); the rights of the persons who are treated in the annals (*e.g.*, it is often impossible to understand the deeds of one character in history or to do him justice unless the secret crime of another character is revealed); the rights of the readers (*e.g.*, the reader has the right to know that the persecutors of religion have been wicked in their personal lives). The historian, therefore, may search for material bearing on the lives and deeds of historical personages of the past, he may collect similar material relating to current events, he may narrate defects or delinquencies of the past that were unknown or forgotten. But matters of a purely private character that have no bearing on public events do not belong, according to some moralists, to the legitimate province of the historian; for otherwise there would be an end to the rights of the dead over their fame. Moreover, there is the risk of calumny and of violation of elementary justice, since the historian is a self-appointed judge and the person condemned is not able to defend himself.

(b) These historical revelations are not lawful unless the conditions mentioned in **2070** are observed. Thus, a historian should not write down details that were told him in confidence by a person long since dead; he should not be swayed either by unreasonable likes or unreasonable dislikes in the expression of his views; he should not publish what will cause harm rather than good, such as circumstances in the lives of persons recently deceased which, if revealed, will be detrimental to living persons.

**2073.** It is not always easy to determine whether more harm is likely to result if the persons whose glory is dimmed are high in public esteem on account of the prestige of their office or their great exploits. Much will depend on circumstances and on the author's manner of treatment.

(a) Thus, *per se,* or from the nature of things, it does not cause greater harm to narrate truth about the imperfections of great men, for only error or prejudice or evil has reason to fear the truth. The inspired Scriptures themselves deal candidly with the public failings of personages who were high in religious or civil position, for example, the hesitation of Moses, the infidelity of Aaron, the fall of King David, the disobedience of the prophet Jonas, the denials of Peter, the doubts of Thomas, the treason of Judas. These histories are not harmful, but, on the contrary, contain most useful lessons of instruction, warning and direction.

(b) *Per accidens,* or on account of special conditions, it may be more harmful to write of the failings of the great (cfr. **1001**). Thus, the class of persons for whom one is writing may be immature (*e.g.,* a textbook of history for children would give scandal if it spoke openly of sexual crimes), the conditions of the time may be unfavorable (*e.g.,* a new historical production might lead to injury to some class of persons at a time of great prejudice against them), the total effect of a book may be bad (*e.g.,* chronicles of scandals, historical biographies or novels or plays written in a seductive manner). The class of modern writers known as "debunkers," whose aim it is to destroy all hero-worship, offend against truth and ideals by the prominence they give to evil, while the so-called psychological historians are frequently purely subjective as well as immoral.

**2074. Revelations about Persons Who Figure in the News of the Day.**—(a) If the matters revealed are of a public nature, the lawfulness or unlawfulness of the revelation will depend on the reasons for it and the manner in which it is given. In discussing political affairs, a newspaper has the right to call attention to mistakes and faults of public men, since the freedom of the press in this respect is a protection to liberty and to progress, and those who enter public life implicitly consent to criticism of their conduct; in reporting the news, it has the right to speak of murders, robberies and other public crimes that have been committed, since the common good requires that the authors of public offenses be known as such. But if this kind of news is disserviceable in any instance to the order, peace, or dignity of the community, or if the news is obtained in unjust or dishonorable ways, or if the harm done will outweigh the good expected, or if the motive is merely to gratify curiosity, to indulge prejudice, or to make money, the newspaper management is morally guilty, even though it may be legally within its rights. Yellow journalism and "tabloidism" are reprehensible, because they are injurious to the minds and morals of their readers on account of the undue prominence given to crime, even of the most disgusting sort, and the appeal made to sense and emotion rather than to thought.

(b) If the matters revealed are of a private nature, the morality of the revelation has to be judged by the principles given in **2067 sqq.** It would be wrong to make a practice of spying into the private life and affairs even of public persons merely to add interest to one's columns; but if there is some really important advantage to the public or to a private person that will be served, and if the other conditions are observed (see **2070**), one may publish even private defects that are real and certain.

**2075. Injustice in Professional Critics.**—(a) Injustice is done by professional critics (such as book reviewers, dramatic and art critics, and the like) to the persons who rely upon their opinion, if there is a compact with them to give a competent and unbiased judgment and the compact is not lived up to by the critic with resultant damage to the client (see **1793**). If there is no compact, the critic is nevertheless guilty of deception and uncharitableness, if he performs his office carelessly (*e.g.*, by eulogizing a worthless book or play or picture).

(b) Injustice is done the person criticized, if his work is undervalued purposely (*e.g.*, because the critic is jealous, or in an ill humor or is hired by others to dispraise), or if uncalled-for personalities are indulged in at the expense of the person's fame. A carping critic may by the stroke of the pen spoil the work of years, and hence ignorance does not excuse those censors who practise wholesale and unfair denunciations (see **905**).

**2076. Coöperation in Defamation.**—Not only the defamer sins, but also those who coöperate with him. Among the cooperators with defamation are those who give orders for defamation, those who show how it can be done, those who protect defamers, and those who participate in defamation by directing the conversation to a certain subject or by joining in the criticisms. The most ordinary form of participation in defamation is that of the listener, for no one defames successfully unless he has a sympathetic listener. Those who listen to detraction in such a way as to consent to what is said share in the guilt of the detraction. This happens as follows:

(a) the listener consents *directly* to defamation when he spurs the speaker on (*e.g.*, by saying, "Tell us about So-and-So," by insincerely praising an absent person in order to excite dispraise, by nodding approvingly, cheering, or smiling, by showing great marks of favor to those who bring him news against others or of disfavor to those who refuse to do this), or when he rejoices internally at the defamation he hears, because he hates the victim:

(b) the listener consents *indirectly* to defamation when he does not spur the speaker on nor approve of what is said, but omits to stop the defamation or to protest against it, when he could and should do one or the other of these things.

**2077. Sinfulness of Direct Consent to Defamation.**—The listener who consents directly shares in the guilt of the defamer according to the words of St. Paul: "They who do such things (detractors, etc.) are worthy of death, and not only they that do them, but they also that consent to them that do them" (Rom., i. 32). Indeed, St. Bernard says that it is not easy to say which is more deserving of condemnation, to defame or to listen to defamation. But we may distinguish as follows:

(a) he who spurs the defamer on is more guilty than the defamer. This listener sins against the detractor whom he scandalizes by inducing to sin, against the detracted whom he deprives of his good name. Thus, he is both uncharitable to the detractor and unjust to the detracted, and is the moving cause of all the harm that is done (cfr. **2065**);

(b) he who hears the defamer willingly may be more guilty internally than the defamer, since his hatred of his neighbor and his love of injustice may be more intense; but externally his sin is less, since, as is supposed, he is not bound to resist the defamation and he does not give any coöperation to the external injustice. He sins against justice affectively (*i.e.,* in wish), but not effectively (*i.e.,* in word or deed).

**2078. Persons Who Listen from Curiosity.**—What of those listeners who hear defamation willingly, not because they approve of the harm or evil that is being done, but because they are unusually curious or the speaker is unusually interesting?

(a) If these listeners could and should stop the defamation, they consent to it indirectly by their silence and thus are guilty (cfr. **2079**).

(b) If these listeners are not able or are not bound to stop the defamation, some would nevertheless hold them guilty of grave sin, since they wish to hear something only because the knowledge will give them pleasure, knowing all the while that this knowledge cannot be had except at the expense of the good opinion they have of a neighbor. But the general view is that in this case there is no grave sin; for the listener does not approve of the moral evil (he is interested only in the graceful or eloquent or witty manner of the speaker, or the strangeness of the things related, or he is only concerned to hear the latest news, cfr. **234**), and what he hears does not cause the lowering of his neighbor in his own opinion. But here it is supposed that the listener in no way encourages the defamation and that he is not bound to stop it. Curiosity about things that do not concern one is, however, a venial sin.

**2079. Sinfulness of Indirect Consent to Defamation.**—The listener who consents indirectly to defamation by not impeding it as he should is also guilty of sin, and in Scripture his conduct is strongly forbidden: "Have nothing to do with detractors" (Prov., xxiv. 21); "Hedge in thy ears with thorns, hear not a wicked tongue" (Ecclus., xxviii. 28).

(a) It is commonly admitted that the listener in question sins doubly against charity, and grievously if the defamation is seriously harmful; for he sins against the detractor by refusing to give a brotherly correction (see **1258 sqq.**), and he sins also against the one detracted by refusing to raise his voice in behalf of the absent who cannot defend himself.

(b) It is also commonly admitted that, if the listener is the superior of the defamer or of the person defamed, he sins more gravely, since he is specially bound to correct his subject who is detracting in his presence, or to defend his absent subject who is being defamed. If the listener is a private person not responsible for the defamed person's reputation, he does not sin against justice by his indirect consent to the defamation. Indeed, the inferiors or equals of the defamer rarely sin gravely by their neglecting to oppose his defamatory remarks.

**2080. Guilt of Superior Who Consents to Defamation.**—Is the superior who indirectly consents to defamation of a non-subject by a subject guilty thereby of injustice?

(a) As regards the spiritual injury (*i.e.*, the guilt of sin incurred by the defamer), the superior is guilty of injustice towards his subject, if by reason of his office or contract he is bound to correct faults and neglects to do so. Thus, a bishop or pastor is supported by his people, and there is at least an implied agreement that he will direct them in spiritual matters and reprove their faults. Hence, it seems that a spiritual superior of this kind is unjust, if he fails to correct a subordinate who carries defamatory tales to his ears.

(b) As regards the temporary injury (*i.e.*, the detriment to fame incurred by the person maligned), all depends on whether the superior is bound by reason of his office or contract to prevent injury to non-subjects by those who are his subjects. If the superior exercises his authority in the temporal order and has an agreement with those not subject to him to protect them against defamation by his subjects, he is bound in justice to abide by his agreement. But the common opinion is that a superior in the spiritual order is not responsible *ex officio* for the fame or other temporal welfare of those not subject to him.

**2081.** Is the superior who indirectly consents to defamation of a subject guilty thereby of injustice?

(a) If the superior has authority in the temporal order, he is unjust by his inaction, in so far as law, custom or agreement hold him to prevent the defamation of his subject. Thus, a guardian entrusted with the care of his ward's reputation is unjust if he makes no effort to prevent defamation of the latter.

(b) If the superior is in the spiritual order, some believe that he is unjust by inaction, since fame is closely connected with spiritual goods, being necessary for moral influence over others and useful for personal perseverance in virtue. But others—and it seems more commonly—deny this, and state that the relation between fame and spiritual goods is only accidental.

**2082. Circumstances Which Lessen Guilt of Indirect Consent.**—Indirect consent to defamation is often only a venial sin. (a) Thus, by reason of the lightness of the matter, as when only trivial defects are mentioned by the defamer; (b) by reason of insufficient reflection, as when the listener is distracted in mind and does not clearly advert to the sinfulness of the words he hears; (c) by reason of insufficient consent, as when the failure to stop or protest against the defamation is due to slight laziness, to bashfulness, or to fear of the speaker, at least when the defamation is not extremely harmful to fame or other good, or gravely slanderous.

**2083. Inaction in the Face of Defamation.**—Inaction in the face of defamation of a third party is sometimes no sin at all.

(a) Thus, there is no sin when one is *unable* to act (*e.g.*, when a slanderous speech is being delivered by a person in authority who will not suffer any interruption to be made), or is unable to act with any success (*e.g.*, when the attempt to correct would provoke worse defamation, when the listener is too unskilled to refute or remonstrate). Scrupulous persons should not attempt to correct, since they are not suited for this. Their attempts to defend an absent person would generally make them ridiculous, and would often be unjust to the person whom they suspected of defamation.

(b) There is no sin when one is *not obliged* to act (*e.g.*, when interference will expose one to very serious evils, when the defamation is not grave or is not taken very seriously, when the listener is uncertain whether the speaker is really guilty of defamation or whether he himself is bound to intervene). It is sometimes unwise to interrupt a defamatory story, for many such story seems to promise dire disclosures at its beginning, but when heard to the end is seen to be an affair of no importance or to contain little that is new or startling or credible.

**2084. Ways of Opposing Defamation Made in One's Presence.**—(a) Positive resistance is made by a command to the defamer to be silent, or by refutation of his words if they are false, or by a rebuke if his words are true. This mode of correction is generally required if the listener is the superior of the defamer, and is sometimes suitable if he is the latter's equal.

(b) Negative resistance is made by leaving the company, by having no share in the conversation, by changing the subject, by showing displeasure or at least gravity in one's looks or acts: "The north wind driveth away rain, as doth a sad countenance a backbiting tongue" (Prov., xxv. 23). This mode of resistance is usually the proper one for an inferior, and as a rule is found more satisfactory even between equals (see **1267**).

**2085. Restitution for Defamation.**—Restitution for injuries committed is necessary (see **1759**), and hence it is required of the defamer. In the language of Scripture (Prov., xiii. 13), he that speaks ill of his neighbor obliges himself for the future. The two injuries to be repaired are: (a) the unjust taking, that is, the fame of which he has deprived his neighbor; (b) the unjust damage, that is, the detriment to fame or the losses that resulted from the defamation (such as failure to obtain or keep a position, decline of business, etc., which were foreseen at least in a confused manner). It is clear there is no duty of restitution, if in spite of talk against a neighbor he suffered no loss (*e.g.*, if the listeners gave no heed or credence to the talk).

**2086. Gravity of Obligation of Restitution.**—The obligation of restitution for defamation is grave or light according to the degree of injury done, and the grave obligation binds even at the expense of serious inconvenience, the light obligation at the cost of small inconvenience. But the following points should be noted:

(a) the injury is not necessarily grave if the defect imputed to another is grave, for many circumstances have to be considered (*e.g.*, blasphemy is a serious charge, but it would not be very harmful to a man publicly known as very impious, see **2053 sqq.**);

(b) the injury is not necessarily slight if the defect imputed is slight, for circumstances may make the injury considerable (*e.g.*, it is not very defamatory to say that a woman is very talkative, or unable to speak or spell correctly, but this would be very damaging if it lost the woman a very lucrative position as secretary).

**2087. Conditions Which Entail Duty of Restitution.**—Restitution is not obligatory unless one is the unjust and efficacious author of the damage (see **1763**). Hence, disclosures unfavorable to the reputation of others entail the duty of restitution only when the following conditions are present:

(a) the detriment to fame or other loss must be unjust objectively, and hence those who have a just reason for exposing the vices of others are not held to restitution;

(b) the detriment must be unjust subjectively, and hence one who in good faith speaks of a neighbor's sin, thinking that it is true and public, whereas it is false or secret, is not bound to restitution, if he discovers his error after the results of the defamation have been removed (see, however, **2102**). But if he discovers his mistake while the neighbor is still under a cloud because of the report, he becomes from that moment responsible and subjectively unjust, if he does not take steps as far as he conveniently can to correct the error (see **1769**);

(c) the detriment must be due to one's act as to its efficacious cause, and hence one is not bound to restitution if a listener understands one to disparage when in fact one has not disparaged.

**2088. Coöperators and Restitution.**—Those who coöperate in injustice are also held to restitution (see **1778 sqq**), and hence the following are bound to indemnify a defamed person:

(a) positive coöperators are held to restitution, such as those who command, counsel, or encourage defamation. The same is true of those who share in a defamatory conversation or who merely listen, but by their questions, or show of interest or approval, induce the defamer to continue, or to speak with more assurance;

(b) negative coöperators are also held to restitution, if they were bound in justice to resist or impede defamation. This will apply chiefly to a superior who does not prevent, as he should, the defamation of his subject or community, whether by a subject or a non-subject (see **2080 sqq.**).

**2089. Circumstances of Restitution.**—We shall now speak of the circumstances of restitution for defamation: (a) the persons bound to restitution besides the defamer, namely, his heirs, the listeners, etc.; (b) the persons to whom restitution is to be made; (c) the manner of making restitution; (d) the time for making restitution (see **1781 sqq.**).

**2090. Restitution for Defamation to Be Made by an Heir of the Defamer.**—(a) For the injury to fame, it seems that the heir is not bound, since the duty of restitution of fame is a personal one, that is, an obligation to perform an act of retraction or apology, not an obligation to pay compensation (see **463**). But some hold that defamation may be satisfied for by pecuniary compensation (**1750, 1802**), and that, if the injured party should insist on this kind of compensation for the infamy suffered, the heirs would be obliged to pay it.

(b) For the damages resulting from injury to fame the heir is bound, since restitution for losses is a real one and rests upon the property or estate of the deceased. But those who are in good faith are sometimes to be left undisturbed, lest they become guilty of formal sin.

**2091. The Persons to Whom Restitution for Defamation Is to Be Made.**—(a) To the person defamed restitution of fame is owed, and this is true even when the person is already dead. Just as one who dishonors the dead by desecrating their tombs or their remains owes it to their memory to make reparation, so one who defames the dead owes it to their reputation to make restitution. In fact, the heirs may be bound in conscience to insist upon this restitution, and it seems they cannot condone it, since it is not their own fame that has been hurt.

(b) To the listeners restitution is not owed, since no injustice was done them, but reparation for scandal given them may be obligatory. And, since justice to the person defamed requires retraction or other reparation, the defamer must recall his words before the persons to whom he addressed them. Hence, if defamation appeared in a journal, the honorable reparation should also appear in the same journal and with the same prominence given it as was given the offensive remarks.

**2092. Responsibility of Defamer for Spread of Defamation.**—Is the defamer bound to recall his words to the wider audience that learned them from his first listeners?

(a) If the defamer is not responsible for the spread of his talk beyond the circle which he addressed (*e.g.*, if he imposed strict silence upon his listeners or had good reason to think that they would keep his remarks to themselves, and his words nevertheless leaked out), the common opinion is that he is not held to reparation before the subsequent listeners.

(b) If the defamer is responsible for the spread of his talk (*e.g.*, if he gave his listeners permission to quote or repeat, or if he knew well that they would carry his words far and wide), he is bound to reparation before the later listeners, in so far as this is possible, especially if he was guilty of calumny. Whether he or his listeners have the first duty of restitution will depend on the relationship in their coöperation (see **1784**). If he can do nothing better, he should admonish his listeners to retract before their listeners.

**2093. The First Way of Making Restitution for Defamation.**—(a) If the defamation was by *calumny,* the defamer (and also the propagator) must take back his words, admitting that what he said was untrue. If necessary, he should also make affidavit to this effect, or even admit that he lied. The reason is that the innocent party has a greater right to his fame than the guilty party. But the defamer is not obliged to confess his own malice, when this is not necessary, and it may suffice to say merely that his former statement was not correct.

(b) If the defamation was by *detraction,* the defamer cannot truthfully say that his words were false, and he must counteract directly or indirectly the effect of his defamation by something favorable to the person he has injured. If the listeners will not be confirmed in their belief by his explanation, the defamer should explain to them that his statements were unjust, that he had no right to make them, that he wishes them to regard as unsaid all that he said, etc. (direct revocation). If this cure would be worse than the sickness by strengthening the belief of the listeners that the defamation was true, the defamer should be silent about his former statements. But he should so honor or praise the person defamed that others will be led to believe, not that restitution is being made, but that the former good opinion they had of the person defamed was correct (indirect revocation). Thus, if the defamer knows that the injured person has reformed, he may call attention to and emphasize the virtues he now has; if the defamed person has still the same failing, he may be excused, when possible, or praised for the good qualities he does possess, or he may be spoken of in general terms of esteem; if the listeners have been led to dishonor the person who was detracted, the defamer may show special signs of esteem or confidence to the latter, etc.

**2094. Other Methods of Making Restitution.**—If the listeners will not be impressed by any of the methods of satisfaction just indicated, what should be done?

(a) If, in the case of calumny, the listeners are unwilling to accept the formal statement that the defamation was untrue, the defamer is obliged to nothing more. For the slanderer has done all that is possible to change the erroneous view of the listeners, and the bad opinion they have of their neighbor must now be attributed, not to the defamer, but to their own wickedness or stubbornness.

(b) If the listeners cannot be properly impressed by the direct or indirect revocation of detraction, the defamer, being unable to make honorable compensation by restoration of fame, should make a profitable compensation by the bestowal of a benefit that will in some way be commensurate with the good of reputation and be acceptable to the other party. Thus, if the person defamed is satisfied with money or something measurable in terms of money, he should be given damages; if this kind of compensation is of little use or is not esteemed (few persons of honor would take money alone as pay for a lost reputation), he should be given some other good which in his own judgment and that of a prudent man is more nearly an equivalent for the good of which he has been deprived. An apology is not sufficient, since the begging of pardon does not restore what was taken; neither is it generally advisable, because the admission to another that one has been secretly defaming him and is now sorry for this may lead to quarrels and hatreds rather than to forgiveness and peace.

**2095. Legal Reparation for Defamation.**—One who has been sentenced by a lawful judgment of court to reparation and penalty for defamation is obliged to obedience, but if the satisfaction decided on by a jury is excessive or meager, it can be set aside by the court. In Canon Law (Canon 2355) one who has been convicted of defamation may be sentenced: (a) to satisfaction; (b) to damages; (c) to suitable penalties, even to suspension or removal from office or benefice.

**2096. The Time When Restitution for Defamation Is to Be Made.**—(a) It should be made as soon as possible, for the longer it is delayed the greater the injury that is suffered, since defamation becomes harder to correct as it progresses, or at least has a longer life when it is not corrected early. But prudence will sometimes dictate that one await a psychological or favorable moment for a retractation. (b) Restitution should be promised before absolution is given, and, if there is a well-founded doubt about the sincerity of a promise, the confessor may delay absolution until restitution has been made.

**2097. Cessation of Duty of Restitution.**—The duty of restitution ceases, at least temporarily, in certain cases (see **1797 sqq.**), and hence one who has been guilty of injustice through defamation is sometimes excused from reparation. (a) Thus, one is excused temporarily on account of impossibility; (b) one is excused permanently on account of the cessation of the other party's good name or the termination of one's own obligation.

**2098. Excuse from Restitution on Account of Impossibility.**—(a) Physical impossibility excuses, for example, when one does not know who the persons were before whom one detracted, or cannot recall who the person was whom one defamed. But in this case the defamer should at least make satisfaction by praying for the person whom he defamed, or by having Masses offered for him.

(b) Moral impossibility excuses from restitution, as when the defamer will suffer a far greater loss than he inflicted on the person defamed (*e.g.*, if the defamer cannot retract without losing his life, or a reputation which is far more valuable than that of the obscure person who was defamed). But if the defamer has subjected the injured party to the peril of death, or if he has calumniated an innocent man, he must make satisfaction even at the peril of his own life or at the cost of his own fame; for the right of the innocent prevails over that of the guilty defamer.

**2099. Excuse from Restitution on Account of Cessation of Other Party's Good Name.**—The defamer may also be excused from restitution on account of cessation of the other party's good name through another cause, as when the secret defect first made known by the defamer becomes public from another source.

(a) The detractor is excused from the duty of restoring reputation, since the person he defamed has now independently of the first defamation lost his right to reputation (see **2053** sqq.).

(b) The detractor is not excused, however, from payment for damages which the defamed person suffered from the first defamation or for expenses which it caused him. Some moralists hold him obligated also for some compensation for the infamy suffered before the crime became public through others.

**2100. Excuse from Restitution on Account of the Termination of Obligation.**—(a) The act of the defamed person ends the obligation, when, without injury to others, he expressly or tacitly condones the offense; for he has dominion over his own fame, as he has over his own money or lands. Thus, it may often be presumed that parents overlook the restitution owed them by their children for criticisms made by the latter.

(b) The act of the defamed person also ends the obligation, according to the common opinion, when he has inflicted an equal injury by defaming his defamer and is unwilling to make satisfaction for the injury; for though it is unlawful to repay evil with evil, and though one damage does not cure another damage, he who will not pay a creditor cannot insist that the creditor pay him an equal debt. Thus, if Titus has burned the barn of Claudius and Claudius then burns the barn of Titus, and neither will pay damages, the debts neutralize each other, if the losses are equal. The same principle applies in defamatory recriminations.

**2101. Right of Defamed Person to Condone Injury.**—The person defamed has the right to condone the injury, if it is only personal to himself, but he has not always the right to condone the injury when the defamation causes harm to others.

(a) Thus, the defamed person would sin against justice and his act would be invalid, if he forgave the debt of restitution despite the fact that his own fame was necessary for the fame of others (*e.g.*, when a monk loses his good name, the monastery is also disgraced), or was necessary for the fulfillment of duties owed by him in justice to others (*e.g.*, when a prelate, priest or public official loses his good name, the good influence he should exercise over his subjects is ended). This conclusion is probable.

(b) The defamed person would sin against charity, but his act would be valid, if he forgave the debt of restitution despite the fact that his fame was necessary for the fulfillment of charitable duties owed to others, or that his silence in the face of defamation would cause great scandal (*e.g.*, when a preacher loses his reputation, his words do not move, and thus he is unable fruitfully to accomplish works of charity by instructing the ignorant, etc.).

**2102. Excuse from Restitution When Reputation Has Been Recovered.**—The obligation of restitution for defamation also ceases when reputation has been recovered without any act on the part of the defamer; for it is clear that one is not bound to give back that which is already had. But restitution may be due, nevertheless, for damages incurred, and some think that compensation (*e.g.*, apology, honor, praise) should be made for the injury of infamy that existed before the good name was regained.

The usual ways in which reputation is recovered without the act of the defamer are: (a) by overthrow of the defamation, as when the facts against it become manifest, or when witnesses prove its falsity, or when a tribunal declares it a criminal libel; (b) by oblivion, as when a misdeed of years ago has faded entirely out of the public memory. If the defamer is uncertain whether his past defamations have been forgotten, he has to act with great prudence; for, if he makes inquiries the memory of the defamations may be awakened, while if he says nothing, the defamations, because never corrected or retracted, may break out anew. He should consider the circumstances, therefore, and treat the defamed person as he would wish himself to be treated in a like case.

**2103. Whispering or Tale-Bearing.**—Whispering (*susurratio*), also called mischief-making and tale-bearing, is a speech unfavorable to another person secretly made with the purpose of breaking up a virtuous friendship.

(a) It is *unfavorable* speech, that is, the whisperer says something to his listener that will turn the latter against the person spoken about. The thing attributed to the absent person may be either something evil or something that is only seemingly evil, but in either case it will be something displeasing to the listener. Whispering, therefore, does not necessarily include defamation.

(b) It is *secret,* that is, the whisperer speaks privately, and usually in the way of confidence to the person whose mind he wishes to impress. Often, however, he goes now to one of the friends, now to another, speaking in different senses to each, to make his work doubly effective. This kind of whisperer is known as double-tongued: "The whisperer and the double-tongued is accursed" (Ecclus., xxviii. 15).

(c) It is aimed at the *breaking up of a friendship,* that is, the whisperer intends to destroy the feeling of respect and affection which his listener has for the absent person, or even to instill into the listener's mind a feeling of disrespect and dislike for the absent person. Whispering, therefore, is incomplete when it ends a friendship, and complete when it makes enemies of those who had been friends and sows discords and quarrels: "A passionate man kindleth strife, and a sinful man will trouble his friends, and bring in debate in the midst of them that are at peace" (Ecclus., xxviii. 11); "When the talebearer is taken away, contentions shall cease" (Prov., xxvi. 20). Whispering, then, differs from simple defamation, whose purpose is to steal away fame, for the mischief-maker intends to steal away friendship.

(d) It is directed against a *virtuous* friendship, for there is no sin but rather an act of charity in the effort to end a sinful or harmful friendship, as when a parent tries to keep his daughter away from a wicked man with whom she is infatuated, or his son away from a disorderly set whose companionship appeals to the youth (see **1353**).

**2104. The Sinfulness of Whispering.**—(a) *Theological Species.*—Whispering is from its nature a mortal sin, since it is hateful to God (the soul of the Lord detesteth "him that soweth discord among brethren,'' Prov., vi. 19), and deprives man of the boon of a virtuous friendship, the greatest of external goods. ''A faithful friend is a strong defence, and he that hath found him hath found a treasure. Nothing can be compared to a faithful friend, and no weight of gold and silver is able to countervail the goodness of his fidelity. A faithful friend is the medicine of life and immortality'' (Ecclus., vi. 14–16). Whispering is a greater sin than contumely or defamation, since honor is less esteemed than friendship, and reputation is only a means to friendship.

(b) *Moral Species.*—Generally, whispering is a sin against justice on account of the unjust means (*e.g.,* force, fraud, lies, detractions) to which it resorts; but from its nature it is only a sin against charity, for the injured party has no strict right to friendship, which is a free relationship that may be terminated at will by either of the parties.

**2105. Circumstances Which Affect the Species of Whispering.**—Is the species of whispering changed by circumstances?

(a) The theological species is changed when the sinful act is imperfect in malice (*e.g.,* when the whisperer had not reflected well on the evil that would be caused by him), or when the harm done is slight (*e.g.,* when no enmity was caused and the friendship broken up was not strong or important to the friends). It is not a small matter, however, to destroy friendships that are very necessary, such as the friendship between husband and wife, between parent and child.

(b) The moral species is not subdivided, for, though there are different kinds of friendships (see **1111**), whispering is not directed against the special features, but against the general character common to all of them, namely, unity of soul and mutual affection. Hence, the whisperer is not obliged to mention in confession whether the friendship he broke up was based on utility, or pleasure, or virtue. It is clear, however, that a new species may be added to whispering. Thus, he who separates husband and wife, intending to secure the wife for himself, is guilty also of adultery; he who separates a business man and his patrons, intending to attract the trade to himself, is guilty also of theft; he who separates ruler and subjects by his whispering, is also guilty of sedition, etc.

**2106. Derision.**—Derision is a jest that reproaches another with some defect or evil in order to put him to confusion.

(a) It is a *jest,* that is, it is spoken in fun and consists in making the defects of another person the object of laughter or amusement. Thus, it differs in manner from contumely, detraction and whispering, which are spoken seriously.

(b) Its purpose is the *confusion* of the person ridiculed, that is, it intends to take from him the good opinion that he is entitled to have of himself and the peace of conscience that he enjoys. Thus, it differs in object and purpose from the other injurious words hitherto considered (see **2009**). The intention to put another person out of countenance by ridicule is either formal or material, according as the purpose before the mind is to disconcert that person, or only to have one's joke, though one sees that this will mean shame and suffering for the victim of the joke.

**2107. Distinction between Derision and Jesting.**—Moderate jesting at another's expense is not derision, nor sinful, if it is justified by a reasonable motive. (a) Thus, a serious motive for jesting at another is fraternal correction. To ridicule a person who is making a fool of himself is often the best way to correct him, for many persons are less moved at being called wicked than at being called absurd. Similarly, a satirical rebuke sometimes serves to abash a person who has an exalted opinion of himself. In such cases a truth spoken in jest is an act of charity to a sinner. (b) A playful motive for jesting at another is recreation. The good-natured exchange of banter about trivial defects between persons who enjoy this give and take is a reasonable form of amusement in itself; indeed, it pertains to the virtue known as *eutrapelia.* But some persons who enjoy a jest at the expense of another are extremely sensitive to ridicule and fly into a rage if fun is poked at themselves, or even if they suspect that someone is laughing at them.

**2108.** Even jesting whose purpose is good may be sinful on account of the offensive or immoderate way in which it is conducted (see **2010**). There are three general forms of jest, but they do not constitute distinct species of sin when jest is unlawful, since the difference between them is accidental as far as morality is concerned.

(a) Thus, jest of the mouth is one that is made by words or laughter.

(b) A jest of the face is made by the expression of the countenance (*e.g.*, by wrinkling up the nose, sticking out the tongue).

(c) A jest of act, or practical joke, is some trick played on another, horseplay, and the like.

**2109. The Sinfulness of Derision.**—(a) When the derider makes light of a grave evil, he commits a mortal sin, for he shows grave contempt towards the person derided, treating the latter as if he were entirely worthless—one whose misfortunes were matters for joke. Indeed, derision is a more serious injury than contumely, for the contumelious person treats the evil of his neighbor as something serious, whereas the derider makes sport of it and is thus more insulting. In Scripture grave punishment is threatened to deriders: "God shall scorn the scorners" (Prov., iii. 34). But if an evil grave in itself is commonly looked upon as light on account of the inferior condition of the person who has the defect (*viz.*, because he is an infant or an idiot), there is no grave sin of contempt.

(b) When the derider makes light of an evil that is really light, there is no contempt shown, but there may be serious embarrassment caused to the person derided. For the peace of a good conscience is a great blessing ("Our glory is this, the testimony of our conscience," II Cor., i. 12; "A secure mind is like a continual feast," Prov., xv. 15), and that which disturbs it can be a serious distress and harm. If the butt of the joke does not take the matter much to heart, the sin is venial. But should he suffer great mental pain or disturbance on account of the ridicule, the quality of the sin is disputed. Some think that mortal sin is committed, if the derider foresees the serious evil that will ensue; but others hold that the sin is venial, since it is the over-sensitiveness of the person derided that accounts for his great discomfiture of mind.

**2110.** The gravity of the sin of derision is increased by the object against whom it is directed; for the greater the reverence due a person, the greater the injury shown by making a mockery of him.

(a) Thus, the worst form of derision is that which is directed against God, and it is not distinct from blasphemy. Hence, Isaias (IV Kings, xix. 6) calls the deriders of the God of Israel blasphemers, and St. Luke (xxii. 64, 65) says that the soldiers who gave Our Lord a mock coronation spoke in blasphemy.

(b) Next in gravity is derision of parents, and Scripture declares the special horror of this sin: "The eye that mocketh at his father, let the ravens of the brooks pick it out and the young eagles eat it" (Prov., xxx. 17).

(c) Finally, there is a special enormity in derision of saintly persons, for virtue deserves honor, and those who dishonor it deter men, as far as in them lies, from cultivating or esteeming it.

**2111. Cursing.**—Cursing in general is the speaking of evil for some person or thing, that is, in order that the evil spoken may befall him or it. Thus, it differs from contumely and derision, which are the speaking of evil to another, and from defamation and whispering, which are the speaking of evil against another. Cursing is also different from prediction of evil, and some passages in the Imprecatory Psalms, though couched in terms of malediction, are prophecies of the future, rather than curses. An example is Psalm cviii, which foretells the fate of the traitor Judas. Cursing is expressed in two ways:

(a) imperatively, when one pronounces with authority that punishment is to be inflicted or evil visited upon some person or object. In this way God decrees eternal or temporal penalties against sinners, judges sentence criminals, and the Church anathematizes the contumacious;

(b) optatively, when one who has not the power or authority to command punishment, expresses the wish that misfortune or evil of some kind may overtake a person or thing. Examples are: "Bad luck to you," "May you break your leg," "The devil take you," "God damn you." A curse made in the form of a prayer is called an imprecation.

**2112. When Cursing Is Not Sinful.**—Cursing a person is not sinful when the evil which is ordered or wished is not intended as to the evil that is in it, but as to some good; for so the intention is directed to good, not to evil.

(a) Thus, evil may be ordered on account of the good of justice that is in it, as when a judge decrees capital punishment, which in its physical being is an evil, but morally is the vindication of justice and therefore a good. Some of the curses made by holy men in the Bible are of this character: they proclaim the just sentence of God, as when Elias called down fire from heaven upon his persecutors (IV Kings, i), and Eliseus cursed the boys that mocked him (IV Kings, ii. 24); or they express the submission of the human will to the just decree of God: "And the Levites shall pronounce with a loud voice, 'Cursed be he that abideth not in the words of this law,' and all the people shall say, 'Amen' " (Deut., xxvii. 14, 26).

(b) Evil may be desired, if the intention takes in only the good of public or of private utility that is contained in it, as when one hopes a jury will find a dangerous criminal guilty, if one has in view, not the sufferings or death of the criminal, but the safety of the community. It is right, therefore, to wish confusion and defeat to the enemies of religion, of the Church, or of one's country; it is lawful to pray God to visit a sinner with sickness that he may thereby be reformed or prevented from harming others. But in wishing evils one must remember that it is not always lawful to do what one wishes may happen in some lawful manner, nor is it lawful to wish a greater evil as a means of escape from a lesser evil (see **1308 sqq.**).

**2113. Sinfulness of Cursing.**—Cursing a person is sinful when the evil ordered or wished is intended precisely as it is the hurt or loss of this person.

(a) From its nature this sin is mortal, since it shuts out the curser from heaven ("Neither cursers nor extortioners shall possess the kingdom of God," I Cor., vi. 10), and it is essentially opposed to charity, being the natural expression of hatred (see **1296**). But, other things being equal, optative cursing is less serious than defamation, for it is less harm to another to wish him evil (*e.g.,* that he be defamed) than to inflict that evil on him.

(b) From the imperfection of the act or the lightness of the matter, cursing becomes at times a venial sin. The act is imperfectly deliberate when one curses in a sudden fit of temper; it is imperfectly intentional, when one curses in fun or from habit and does not really wish that the evils pronounced should be fulfilled. The curses, "Go to hell," "God damn you," are usually not meant or understood to express a wish that the person addressed be consigned to eternal punishment. Hence, they are generally in themselves venial sins only. But it should be remembered that venial curses of this kind may become mortal by reason of scandal (*e.g.,* when parents habitually address such curses to their children, or other superiors to their subordinates), or by reason of irreverence (*e.g.,* when children curse their parents). The matter of a curse is light when the evil spoken is harmful only in a small degree (*e.g.,* to wish that a person may lose a small sum of money).

**2114. Rules for Deciding as to Gravity of the Sin.**—Persons who have expressed a grave curse against a neighbor are sometimes in doubt whether there was enough ill-will in the curse to make it a mortal sin. For such doubts theologians give the following rules:

(a) if the reason for doubting is that after the curse one cooled off and hoped that no evil would happen to one's neighbor, mortal sin was committed during the curse, but the bad disposition quickly passed away;

(b) if the reason for doubting is that one is not sure about the state of mind one was in during the curse, a good index of that state of mind will be the feeling one has towards the person who was cursed. Thus, if one is well disposed towards that person, the presumption is that the curse was not meant except as an expression of anger; but if one is hostile to that person, the presumption is rather that the evil in the curse was really intended. If one is indifferent as regards the person whom one cursed, the presumption will follow what one is accustomed to desire in one's curses, whether that be to give forceful expression to displeasure or to manifest a malevolent hatred.

**2115. Circumstances Which Change the Moral Species of Cursing.**—There are certain circumstances of person and objects which change the moral species of cursing, and which must therefore be mentioned in confession.

(a) Thus, by reason of difference in the persons cursed the species is changed, for where special love or reverence is owed a special sin is committed by hatred or irreverence. The gravest curse is that against God, which is the sin of blasphemy (see **887 sqq.**). Next in wickedness is the curse against one's parents, which is a sin of impiety.

(b) By reason of difference in the evils that are desired, the species is also changed, since the essential malices of the will and of the deed are the same (see **90, 242**). In this respect cursing differs from contumely and detraction, for in these sins the evils spoken are not pleasing, but rather displeasing to the speaker (see **2103**). Hence, he who wishes death to his neighbor commits murder in his heart, he who wishes loss of property is a thief at heart, etc. But if one curses a neighbor in a general way, without mentioning any particular evil, one sins by hatred.

**2116. Numerical Multiplication in Sins of Cursing.**—(a) By reason of the specific difference in the evils wished (*e.g.,* death, disgrace, poverty), one is guilty of several sins by one and the same act; for, though the act is physically one, it is morally many, as was said in the previous paragraph. But some authors add that only one sin is committed if all the evils wished are united in the mind as expressions of the one sin of hate or as means of the one purpose of injury (see **217**).

(b) By reason of the different persons cursed, one is also guilty of several sins by one and the same act, or at least is guilty of one sin that is equivalent to many; for he who curses a whole family or group, formally and expressly intends evil to each member, and thus he differs from a thief who steals from many persons, but does not will individual injuries (see **218**).

**2117. The Cursing of Evil.**—(a) It is not sinful to curse evil as such, that is, to wish that sin or wrong may be defeated. Hence, it is lawful to pray against the evil spirits, the enemies of God and man. But it is sinful to curse any creature of God, even though he is among the lost, for the nature of every creature is good, since it comes from God.

(b) It is not sinful to curse evil tropologically, that is, to curse a creature of God that is taken to represent evil, as being its cause (*e.g.,* Job cursed the day of his birth, the beginning of many evils), or location (*e.g.,* David cursed Mount Gelboe, the spot where Saul and Jonathan were slain), etc. But it would be a sin to curse these creatures of God in themselves.

**2118.** It is not sinful to curse an irrational creature on account of its relation to man, if there is a sufficient reason to curse man himself (see **2112**), either on account of the good of justice (*e.g.,* when God cursed the earth as a punishment on Adam, when Christ cursed the fig-tree as a sign of the curse on Judea), or on account of the good of utility (*e.g.,* when one wishes that the liquor ordered by a drunkard may be lost).

**2119. Unlawful Cursing of an Irrational Creature.**—(a) It is unlawful to curse an irrational creature, considered precisely as a creature of God, for in so doing one reflects on God Himself, and incurs the guilt of blasphemy.

(b) It is unlawful to curse an irrational creature, considered precisely in relation to man, if there is no just cause to curse man. Thus, if one wishes that a neighbor's cattle may die, intending only the harm that will be done the neighbor, one is guilty of sinful cursing (see **2113**).

(c) It is unlawful to curse an irrational creature, considered precisely in itself, for such an act is vain and useless. Those who curse the inclemency of the weather, the infertility of the soil, the stubbornness of mules or other animals, the uselessness of a tool, etc., do not generally speaking commit a grave sin, since they intend only to voice their impatience with conditions that are displeasing.

**2120. Murmuring.**—Murmuring is the expression of unjust discontent or complaint by inarticulate sounds or by secret words.

(a) It is *unjust,* and so it does not differ essentially from the sins of speech given above. If it is an injustice to honor, it is reducible to contumely; if it is an injury to fame, it pertains to defamation, etc. The injustice of murmuring results either from the thing complained of (*e.g.,* a child murmurs against the just orders of its parents), or from the manner of the complaint (*e.g.,* a subordinate complains against an unjust order, but angrily, contemptuously, or uselessly).

(b) It is made by inarticulate sounds (*e.g.,* by whistling, grunting), or by secret words (*e.g.,* in whispered, inaudible manner). This is an accidental difference between murmuring and other vocal sins.

**2121. Fraud.**—Having discussed the various kinds of injustice that are committed in involuntary commutations, we now pass on to the study of those injustices that are done in voluntary transactions (see **1748**). These vices can be reduced to the following:

(a) injustices perpetrated against a person who is entirely unwilling (*viz.,* theft and robbery), as when one steals an object that had been entrusted to one as a pledge or loan, or compels another, by fear or violence, to sign a contract unfavorable to himself and which he does not wish to agree to. It is unnecessary to speak of theft and robbery in contracts, since the same principles apply to them as to theft and robbery outside of contracts (see **1890 sqq.**);

(b) injustices perpetrated against a person who is partly willing, since he consents to a contract, but is also partly unwilling, since unfairness or fraud is used against him. These injuries are of two general kinds: *fraud, a* sin committed in buying and selling and other contracts in which payment is made for some valuable consideration; *usury,* a sin committed in the loan of money in which payment is made for something that is nonexistent.

**2122. Definition of Fraud.**—By fraud (see **1677–1679**) we here understand any unlawful conduct on the part of one party to a contract that puts the other party under a disadvantage in agreeing to the contract (*e.g.,* misrepresentations about the excellence of merchandise), or that takes away the equality that should exist between the parties (*e.g.*, an excessive price charged for merchandise; see **1750**). The contract of sale is the type of all onerous contracts (see **1749**), and to it all the others, whether commutative or aleatory, can be reduced, for in every one of them there is a thing that is purchased (*e.g.*, in aleatory contracts the hope of securing some prize), and a price that is paid for the object of purchase. Hence, it will suffice to speak of the frauds that are committed in sales, and the same principles that govern these can be applied to other kinds of contract.

**2123. Two Kinds of Injustices in Sales.**—Equality between the buyer and the seller requires that each give the other a good equivalent for what he receives. Hence, the injustices committed in sales are reducible to two kinds: (a) injustices in the prices charged or paid; (b) injustices as to the goods furnished or taken.

**2124. Injustice Regarding the Price.**—Sin is committed in reference to the price charged as follows:

(a) by fraud, when one of the parties uses deception against the other party in order to charge more or pay less than is fair; for one who is party to a contract has the right that no lying or trickery be used against him, a contract being an agreement to which knowledge and consent are requisite;

(b) by overcharge or underpayment; for sale has for its purpose the mutual advantage of the buyer and seller, and hence one of them should not be overburdened for the advantage of the other, but the burdens and benefits should be usually distributed. Hence, it is unjust to sell an object for more than it is worth, or to buy it for less than it is worth.

**2125. The Criteria of a Just Price.**—(a) The constitutive norm of a just price is not merely subjective, that is, the fairness does not depend on the arbitrary wishes or on the special needs of the contractants, or on some monopoly which controls the prices; it is objective, that is, founded on the value of the thing sold, its capacity to be of benefit and satisfaction to its possessor, its rarity, the amount of labor put into its production and care, etc.

(b) The manifestative norm for commodities that are in common use (such as the necessities of life and the more usual luxuries) is the common judgment expressed either in law (legal price) or in the free custom of buyers and sellers at a particular place and time (market price); for objects that are not in common use and that have no settled price (*e.g.,* rare archeological finds, ancient documents or paintings) the norm is the prudent and free judgment of the parties, or the decision of an expert chosen by them.

**2126. The Obligation of Observing Prices Settled by Law or Custom.**—(a) The legal price (*e.g.,* in some countries the prices on government monopolies, such as tobacco and salt), which in modern times is rare, is ordinarily obligatory in virtue of commutative justice, since its disregard harms one of the parties to the sale. But in exceptional cases the price may for reasons of equity be no longer obligatory (*e.g.,* when the lawgiver does not insist on its observance).

(b) The market price is ordinarily of like obligation, and for the same reason. But it should be noted that the current price allows of some latitude, since the common estimate does not agree on exactly the same figure, and hence there is a highest, a lowest, and an average price. Injustice is done when one sells above the highest market price, that is, when one charges a sum notably in excess of that charged by others at the same place and time; or when one buys below the lowest market price, that is, when one pays a sum notably less than that paid by other buyers. St. Alphonsus gives as a rule that when a commodity is valued at 5, it may be sold for 6 or bought for 4; when valued at 10, it may be transferred or acquired for 12 or 8; when valued at 100, it may be exchanged for 105 or 95.

**2127. When the Market Price May Be Disregarded Without Injustice.**—In some exceptional cases one may disregard the market price without injustice, if there are reasons that justify this.

(a) Reasons that rest on the matter of the contract are that the thing on sale has increased or decreased in value (*e.g.,* the merchandise is of extraordinary excellence or rarity), or that the contractant would lose or risk loss from the sale itself by keeping to the market price (*e.g.*, the buyer would by his purchase deprive himself of money that could be used more profitably in another transaction; the article if sold would have to be replaced by the seller at a higher price; the vendor by waiting can make a better sale later; the object which a person wishes to purchase is especially prized by the owner and cannot be duplicated). In these cases, however, the vendor should give notice to the buyer that for special reasons a higher price is being asked, so that the latter may have the choice of going elsewhere, if he prefers.

(b) Reasons that rest on the manner of the contract are that certain exceptional forms of sales are justified by law or custom and do not violate basic justice. Auction sales are of this kind, and, if the conditions of aleatory contracts are observed so that the risk will be equal on both sides, it is not unfair to take a price above the highest current price or to bid and buy below the minimum price.

**2128.** If the reason for the increase is the accommodation of the sale itself to the purchaser, because he specially prizes the article, does it justify an increase above the market price?

(a) If the article has become of greater value to many because of its own worth, the market value has also risen, and one may raise one's price; but if its greater value to many is due only to public distress, as in time of war, it would be a cruel form of injustice known as profiteering to raise the price exorbitantly.

(b) If the article has become of greater value to one person only, the seller may not raise his price for that reason, since the special worth the article has is not inherent in it, and hence it may not be sold by the owner as if it were his own possession. If, however, the purchaser wished to add something as a free gift, there would be no objection to his doing so. The same principles apply to the purchase of an article at less than its value, for the sole reason that ready money has special value for the seller.

**2129. Unjust Sales Based on Ignorance of Real Value.**—There are also cases in which an object is purchased at an unjust price because its true value was unknown to the contractants or was hidden.

(a) If the value was unknown on account of substantial error (*e.g.,* a woman buys paste ornaments, thinking they are genuine diamonds), the contract is invalid; if it was unknown on account of the individual error of a contractant (*e.g.,* a woman buys a diamond of great value for a few dollars, because the seller did not know the value of the jewel), the contract is unjust; if it was unknown on account of public error reflected in the current price (*e.g.,* an art dealer buys at a low price a masterly painting, because his superior judgment enables him to recognize in it qualities which others did not perceive), the contract is both valid and just. It is also lawful to buy at the present prices when one knows from sources that one can honorably use that the objects purchased will soon rise greatly in value, for one is not bound to share with others one's personal knowledge.

(b) If the hidden value is no man's property or is abandoned (*e.g.,* a man buys a field in which he, but not the owner, knows that a treasure is concealed, or he buys a goose and finds gold pieces in its stomach and cannot discover how they got there), the buyer is entitled to acquisition; but if it has an owner who can be discovered (*e.g.,* a man buys a coat in a second-hand store and discovers a large quantity of money in bills sewed inside the lining, and is able to trace back the coat to its former wearer, if he tries), the buyer is bound to restitution.

**2130. Obligation of Restitution on Account of Unjust Prices.**—(a) *Unjust Possession.*—If there was bad faith without fraud, the seller should restore the difference between what he received and the highest current price, the buyer the difference between what he paid and the lowest current price. Overcharges or underpayments in conventional prices should be compensated for according to a reasonable standard, such as the decision of the experts.

(b) *Unjust Damage.*—If there was bad faith and fraud with resultant damages to one of the parties, the losses should be made good, even though the just price itself was not violated by excess or defect (see **1762**).

(c) *Nullity.*—If there was good faith on both sides, there is no obligation of restoration, unless we suppose substantial error, lack of proper consent, conditional agreement, etc., which make the sale null or rescindable (see **1725**).

**2131. Injustice Regarding the Thing Sold.**—Having spoken of the injustices committed in reference to the price, we shall now treat of the injustices committed in reference to the thing sold. The contract supposes that the thing sold be of a certain character, and hence injustice is done if one of the parties wilfully misleads the other about that character.

(a) Thus, the species of the thing sold enters into the contract, and so it is unjust to deceive another person about the nature of the thing that is being sold (*e.g.,* if the seller gives inferior substitutes or adulterated goods to those who desire the genuine and pure article, or if the buyer deceives an inexperienced merchant into thinking that the high-grade clothing material he has for sale is low grade).

(b) The quantity of the thing sold is also a part of the contract, and it is unjust to take advantage by giving less or taking more than is agreed on: "Thou shalt not have divers weights in thy bag, a greater and a less, neither shall there be in thy house a greater bushel and a less" (Deut., xxv. 13, 14).

(c) The quality of the thing sold belongs to the contract, and hence there is fraud if one of the parties deceives the other about it (*e.g.,* if the horse sold is sickly or slow, when he is supposed to be healthy and speedy).

**2132. Defects in the Thing Sold.**—If there are defects in an article sold, but a fair reduction in the price is made on account of the imperfection of the article, there is no injustice in the price. But the seller is unjust, nevertheless, if he conceals the defects in spite of a contrary condition in the contract, for he injures the buyer by leading him into an agreement against his will.

(a) There is an indicated condition when the buyer inquires whether there are defects in the article, having the intention to take nothing that has any considerable defect. In such a case if the seller conceals even an accidental defect (*i.e.,* one that makes the article less suitable for the buyer), the contract is null on account of lack of consent, or at least, as others think, it is rescindable on account of the fraud practised. But if a defect is inconsiderable, the contract, unless it is expressly stipulated to the contrary, is good and lawful, for there is hardly anything that has not some small defects.

(b) There is an implied condition when the buyer makes no inquiry, but there is a substantial defect (*i.e.,* one that makes the article dangerous or unsuitable for the purchaser), and this defect is hidden, either because it is of a kind that would escape most persons, or because the purchaser is inexperienced or unable to perceive it for himself. Since every person who buys intends to get something useful, there is no consent and the contract is invalid, if one is given something harmful (*e.g.,* corrupted or poisonous food instead of good food), or something entirely useless to him either for service or for sale (*e.g.,* a lame horse instead of a sound horse for one who deals in race-horses).

**2133. Circumstances in Which Defects Need Not Be Revealed.**—Fairness of price being supposed, the seller is not unjust in not calling attention to defects in the thing he sells, if the buyer does not ask about defects and there is no implied condition that the seller should volunteer the information. This happens as follows:

(a) if the defect is hidden, but only accidental, there is no condition that the seller shall point out the defect, for the understanding is only that the buyer shall receive something serviceable at a fair return for his money. Nevertheless, most merchants wish to please the public and will take back or exchange an article that is not satisfactory;

(b) if the defect is open, but accidental, there is no condition that the seller shall instruct the buyer about things that the latter can and should observe for himself; for it is supposed that the buyer will exercise ordinary care and prudence in making purchases, nor is the seller paid for supplying this, nor for assisting the buyer to make good bargains. Thus, if a man were to buy a one-eyed horse, because he had not examined the horse, he should blame his own negligence, not the silence of the seller, for his bad bargain.

**2134. Definition of Trading.**—Trading (*negotiatio*) in the strict sense is the purchase of an object with the intention of selling it unchanged at a profit. If any one of the conditions mentioned in this definition are lacking, there is trading in a wide sense. (a) Thus, trading includes *purchase,* and hence he who sells the produce of his own farm or vineyard is not strictly a trader; (b) there must be an *intention of reselling* the thing bought, and hence there is trading only in a wide sense if one buys an article for one's own use but, finding it unsuitable to that use, sells it to another person; (c) the object must be sold *unchanged,* that is, in the same form in which it was received, otherwise there is not strict negotiation, as when one buys colors and canvas and makes them into a picture; (d) the object must be sold at *a higher price* than was paid for it, and hence it is not trading in the strict sense to let a customer have an article for just what it has cost oneself.

**2135. The Morality of Trading in the Strict Sense.**—(a) In itself, trading has the appearance of evil, inasmuch as money-making may be an encouragement to avarice. But in reality profit as an end is morally indifferent, neither good nor bad, and all will depend on the ultimate reason for which one engages in business. He who makes the whole purpose of his existence the acquisition of gain is a materialist, but he who has some higher end, such as public benefit or private maintenance, is virtuous in his aims. (b) For clerics, trading is forbidden by Canon Law (Canon 142), and the reason is that clerics should be free from the distractions and dangers of commerce, so as to devote themselves entirely to their own spiritual duties (II Tim., ii. 4).

**2136. Usury.**—The sin of usury is committed in two ways. (a) Usury in the strict sense is the taking of interest by reason of intrinsic title (*i.e.*, on account of the use) for money or other fungible loaned on condition that it be restored in kind (*mutuum*). This is unjust since it exacts payment for that which is non-existent, that is, for use, as a distinct value, of a fungible whose only value is in its use. Today this sin is infrequent in money-lending, since generally there will be an extrinsic title, such as danger to the money loaned or its market value as capital, to justify the charge of interest.

(b) Usury in the wide sense, which is all too common, is the taking of interest for a fungible loaned at *mutuum,* when there is an extrinsic title (*e.g.,* the loss or inconvenience suffered by the lender) for the interest, but the rate charged is unjust, as exceeding that fixed by law or that which is fair and reasonable (see Canon 1543). This is unjust when the lender takes more than his loan is worth; it is uncharitable when the lender does not demand more than the worth of his loan, but does exact what is due in a heartless manner. Examples of usury in the wide sense are the acts of loan sharks who take advantage of the distress of the poor to make them pay enormous interest for small loans, or who hold the debtor to the strict letter of the agreement at a great loss to him.

**2137. Principles Obligatory in All Forms of Contract.**—The principles of equality and honesty that are morally obligatory in sales and loans at interest are also obligatory in other forms of contract. The following are examples of equality.

(a) *Gratuitous Contracts.*—Obviously these contracts do not require equality in respect to recompense, since their nature is that no recompense is given for what is received. But in other ways equality must be observed. Thus, there must be mutual consent, offer on one side and acceptance on the other; there must be mutual respect, for each must honor the gratuitous promises made to the other; there must be a return of the same thing in quality and quantity as was borrowed, unless this would mean (as in *mutuum*) a loss to the borrower, etc. Moreover, the fact that all the advantage is received by one party is balanced by the fact that this party must bear the ordinary expenses and is held to special care himself, but cannot exact special care in the other party. Thus, a borrower has all the advantage from a loan, and he is obliged to use extreme care in using the lender's property, while a depositor has all the advantage from the contract of deposit and cannot demand more than ordinary diligence of the depositary in guarding the goods left with him.

(b) *Onerous Contracts.*—These contracts require that there be equality between the recompense and the thing received. Thus, in a lease the lessor must not charge excessive rent, and the lessee must pay the rent faithfully; in a contract of labor, the employer must pay a fair wage (that is, one that at the minimum will meet the primary needs of the worker and his family to live in frugal comfort, and which will moreover equal the special value of the service given), and the laborer on his part must give a fair day's work as to quantity and quality; in partnership, the members must divide the profits and loss according to a reasonable distribution; in guaranty, pledge, and mortgage, justice requires that the burden assumed be not out of proportion to the benefit that is received.

(c) *Aleatory Contracts.*—These contracts require that there be equality between the sum paid and the chance one has of winning a prize. Thus, in a lottery the price of a ticket should not surpass the probable hope of success, nor should the gains of the promotor be far in excess of his risk and expenses according to a reasonable standard.

**2138. Fraudulent Contracts.**—Examples of fraud in contracts are the following:

(a) in gratuitous contracts, a donee who by false representations obtains a gift, a lender who fails to make known to the borrower defects or dangers in the thing loaned;

(b) in onerous contracts, a landlord who conceals defects from one who is renting a house, members of a business concern who keep back information from partners or who give out false statements in order to entice investors, creditors who conceal their knowledge about the unreliability of a man for whom surety is given them;

(c) in aleatory contracts, in a pure wager, a person who bets on a thing supposed to be uncertain but about which he has certain information, or who knows that he will be unable to pay should be lose, or who will allow no odds though he knows that the probabilities are in his favor; in gaming, a player who pretends to be ignorant in order to inveigle another person into a game of skill, or who does not observe the rules of the game, or who fixes the cards or dice for himself in a game of chance; in lottery, a drawer who manipulates the lots so as to favor some of the players, etc.

### Art. 5: THE QUASI-INTEGRAL AND POTENTIAL PARTS OF JUSTICE; THE VIRTUE OF RELIGION AND THE OPPOSITE VICES

(*Summa Theologica,* II-II, qq. 79-100.)

**2139. The Quasi-Integral Parts of Justice.**—The integral parts of a virtue are certain functions necessary for the perfect use of the virtue; for example, memory, perception, docility and quickness are needed for the fullest exercise of prudence (see **1648 sqq.**). These parts are called here "quasi-integral," so as not to be confused with the properly integral parts, or divisions of quantity, in a material composite. In its first use "integral part" is spoken of bodily things; in its derived use of incorporeal things (such as virtues). The two previous articles treated the subjective parts of justice; the present article will begin with a consideration of the integral parts and the opposite sins.

**2140.** The integral parts of justice are expressed in the words of Psalm xxxiii. 15—"Turn away from evil, and do good"—for the perfectly just man will both establish the equality of justice by giving others their dues, and will preserve that equality by refraining from injuries.

(a) Thus, these integral parts are acts of virtue, and hence the avoidance of evil here is not a purely negative attitude; it includes a positive repudiation by the will of all wish to harm others, and it is exercised especially when one is attacked and yet refuses to resort to injustice.

(b) These integral parts of justice are also distinct, one from the other. The other moral virtues regulate the passions by bringing them to the moderation that lies midway between two evil extremes, and hence in respect to those virtues to turn away from evil is the same thing as to do good. But justice regulates human operations and external things both by reducing them to due equality and also by avoiding that which upsets the equality, and thus in the matter of justice it is one thing to do good, another thing to avoid evil.

(c) These integral parts of justice are also special, that is, they are distinct from other virtues. For, while every virtue turns away from evil and does good, the two acts we are now considering do these things with the express purpose of fulfilling justice. Thus, he who observes the commands and prohibitions of the law in order to render to God and the common good their dues, is perfect in general or legal justice; he who gives to other individuals what is owed them and also avoids doing them injury, is perfect in particular justice. To the two integral parts of justice are opposed the two sins of transgression and omission (see **35–39**).

**2141. The Potential Parts of Justice.**—The potential parts of justice, that is, its annexed virtues, are those good habits that are subsidiary to justice, partaking in some degree, but not entirely, of its nature or activity. We saw above (**1664 sqq.**) that wise deliberation and wise decision belong to prudence, inasmuch as they are concerned with the government of conduct by reason, but that they fall short of its principal act, which is wise direction, and hence they are counted as potential parts. In like manner, there are a number of virtues which must be assigned to justice, since they regulate man's will towards others, but which must be considered as its potential parts, because they do not share in one or the other of the two remaining essential notes of strict justice, namely, that a return is given which is equal to a debt, and that the debt is owed on account of a strict or legal right (see **1692**).

**2142.** In the following enumeration are given the chief potential parts of justice in which there is a strict debt, but not an equal repayment.

(a) Thus, to God man owes whatever honor and veneration he manifests, but with all his efforts man can never pay to God a worship that is equal to the debt. Thus, man cannot sufficiently thank God for His benefits: "What return can I make to the Lord for all that He has done for me?" (Psalm cxv. 12). The virtue of religion, therefore, is a potential part of justice.

(b) To parents children cannot make a full return for the benefits of life and upbringing, and the same may be said of one's country: "A due return is out of the question in honors paid to the gods and to parents . . . but a person is considered to be virtuous if he pays such regard as lies within his power" (Aristotle, *Ethics,* lib. VIII, cap. 16). Hence, the virtue of piety is also a potential part of justice. In exceptional cases, however, a child may make an equal or even a greater return to his parents for the benefits received from them; for example, by saving his father from death he makes an equal return for the benefit of life, and by converting his parents to the faith he gives them spiritual life, which is more valuable than the natural life he received from them.

(c) To men of virtue we are unable to make a sufficient return for the good they do us by their instruction and example, and hence the honor we show them is less than the benefit we receive from them. The virtue of reverence (*observantia*) is then a potential part of justice.

**2143. Degrees of Moral Debt.**—The remaining potential parts of justice are those in which there is not a legal debt, which is enforced by some law, but a moral debt to which one is obliged from the decency or the greater decency of virtue. There are, then, two degrees of moral debt.

(a) A moral debt is more urgent, when without its fulfillment one cannot keep to the decency of virtue, that is, one cannot preserve the character of a virtuous man. Thus, if a moral debt is considered from the side of the debtor, he is obliged to show himself in words and deeds to others what he really is, has been, or intends to be (virtue of truthfulness); if the debt be viewed from the side of the creditor to whom some recompense is owed, there is the duty of gratitude to him for his benefits and of punishment for his injuries (virtues of gratitude and vindication). These parts of justice just mentioned are readily distinguishable from acts that pertain to general or particular justice and that are owed as legal debts. Thus, truthful testimony on the witness stand is a legal obligation, for the person who questions has a strict right to hear the truth; but veracity in social intercourse, or the habit of speaking the truth to others, is a moral obligation, one imposed by God but not enforced legally. Compensation for services bestowed according to contract is a legal duty, and the debtor can be compelled to pay; but thankfulness for gifts or other benefits is only a moral duty, and generally laws do not take account of ingratitude. Punishment of a delinquent by public authority is an act of commutative justice; but punishment meted out by a private person in self-defense, who appeals to the law or who forcibly but lawfully repels an injury, is an act of a virtue annexed to justice.

(b) A moral debt is less urgent, when without its fulfillment one can preserve virtue, but not the more becoming or more perfect course of virtue. The chief examples here are the virtues of friendship or affability and of liberality. To treat others in a friendly manner and to make oneself agreeable in company is suitable, not chiefly because of any benefits one has received from others, but because one is better for this oneself and by it the ways of life are made easier for all. Likewise liberality is not due, but it shows a better disposition as to money and other temporal goods to be willing to distribute them to others willingly and generously. Without friendship and liberality the peace and harmony of social intercourse may be maintained, but with them it is maintained more easily and receives an added grace and distinction.

**2144. Epieikeia.**—The above-mentioned potential parts of justice are adjuncts of particular justice. There remains one more virtue to be noted, that of epieikeia or equity, which pertains to legal justice. This is a subjective part of justice, since it is the superior function of legal justice, guiding it to follow what is substantial right, and preserving it from the danger of mere legalism or over-strict interpretation or application of written law (see 358). With this, the crowning virtue of justice, the enumeration of its parts is brought to a close.

**2145. The Virtue of Religion.**—We shall now proceed to treat of the various parts of justice in the order in which they were given above (**2142–2144**), beginning with the virtue that renders to God His due. Religion (holiness) is defined as "a moral virtue that disposes us to offer to God the worship and honor that belong to Him as the supreme Author of all things."

(a) Thus, religion is *a moral virtue,* for, though it tends towards God, it is not numbered among the theological virtues, but among the moral virtues, being one of the potential parts of justice.

(b) It is an *inclination,* that is, it is a habit of the soul or the exercise of that habit in some act. The acts of religion are either elicited by it or commanded by it, according as they are its own proper activities and proceed directly from it and are directed immediately to God (*e.g.,* acts of adoration, sacrifice, prayer), or belong to some other virtue employed by religion for the honor of God; for example, to visit the widows and orphans in their tribulation is an act of mercy, to keep oneself unspotted from this world is an act of temperance, but when used for the honor and glory of God these acts are also acts of religion (James, i. 27).

(c) It is paid to *God,* that is, being an act of justice, it renders to another what is His due. Religious honor given the saints or sacred images refers to God, for whose sake they are venerated.

(d) It is paid to God as the *Supreme Being,* that is, just as we are bound to tend to God and to serve Him, because He is our Last End, so are we bound to honor Him, because He is our Maker and Ruler.

(e) It offers to God the tribute of *worship,* that is, some internal or external work done in acknowledgment of God's Majesty and with the purpose of impressing the worshipper or others with the sense of His greatness, or it is the sense of that greatness.

**2146. Religion as a Moral Virtue.**—(a) Religion takes its rank among the moral, not among the theological, virtues. A theological virtue has the Last End for its immediate object or subject-matter (*e.g.*, faith is concerned directly with God, since it believes Him and in Him), and has no mean of virtue (*e.g.*, faith cannot go to extremes by believing God too much); whereas a moral virtue has the means to God for its immediate object (*e.g.*, justice is concerned directly with the actions we owe to others) and it must observe the golden mean (*e.g.*, justice must pay the just price, neither more nor less, and at the proper time, place, and to the proper person, etc.). Now, it is clear that religion has for its immediate object the due performance of worship, although God is the person for whose sake it is offered and His excellence the foundation of its necessity; and also that one must observe moderation in worship as to circumstances of place, time, etc., although it is impossible to be extreme in the quantity or fervor one gives to worship, since even the best efforts will fall short of the honor God deserves (Ecclus., xliii. 33).

(b) Religion is the greatest of the moral virtues, since the person in whose favor it is exercised is God Himself, and its obligation is correspondingly stricter than that of the other virtues. General and particular justice are owed to creatures, but the claim of a creature is much less than that of God. There is no contradiction in making religion a part of justice and then preferring it to justice, for it is more correct to speak of the integral and potential parts of virtues as quasi-parts, since they are called parts only from analogy to parts that are found in material or living things, though they are not similar to those parts in all respects (see **1647, 1648, 2139**). Neither does the fact that religion cannot pay in full make it inferior to justice, since in matters of virtue good will take precedence over the ability to pay. Since religion is the supreme moral virtue, irreligion is the chief offense against the moral virtues (*e.g.*, malicious blasphemy is worse than injustice or intemperance).

**2147. Superiority of Religion as a Virtue.**—Religion, therefore, is superior to the following virtues: (a) it is superior to legal justice, the chief of the moral virtues that deal with human and natural good; (b) it is superior to humility, the chief of the moral virtues moderative of the passions; (c) it is superior to mercy, the greatest of the virtues that relieve distress, for religion is offered to God, not for His utility, but for His external glory and our benefit; (d) it is greater than repentance, for it honors God, while repentance only disposes or prepares for satisfaction to His honor; (e) it is greater than large external offerings made to God without spirit, for "obedience is better than victims" (I Kings, xv. 22); that is, the internal acts of religion (reverence and devotion) are of more importance than external acts of worship conducted with great pomp or magnificence but without the inner reverence, the obedience or other dispositions pleasing to God.

**2148. Necessity of the Acts of Religion.**—(a) The internal acts (devotion and prayer) are chiefly necessary, for these are exercised by the soul, and it is through them that the external acts are made truthful: "God is a spirit and those who adore Him must adore in spirit and in truth" (John, iv. 24).

(b) The external acts (adoration, sacrifice, etc.) are also necessary to man. God does not need these acts (Psalm xlix. 13), it is true, for no creature can add to the glory God has from Himself. But man needs the elevation and perfection which he receives from communication with the Supreme Being, and, as he is not all spirit, he must employ symbols and ceremonies to arouse, hold and strengthen the affections of his soul. Hence, although the ceremonial law of the Old Testament was abolished by Christ (see **342**), the Christian religion recognizes the need of ceremonies, as is plain both from the Scriptures and the teaching and practice of the Church at all times. In the New Testament we read that Our Lord used vocal prayer, prayed on His knees, and made use of sacred hymns; and like external acts of religion are ascribed to Sts. Peter, Paul, and Stephen (Luke, xxii. 31; Matt., xxvi. 39; Acts, ii. 42, vii. 59, ix. 40). Public worship is also a necessity on account of the nature of the Church as a visible society.

**2149. The Internal Acts of Religion.**—These internal acts are offerings made to God of the worship of the soul itself, and they may be reduced chiefly to two: (a) devotion, which is the offering of the will and the highest act of religion, since from the will the other acts arise; (b) prayer, which is the offering of the intellect; for in prayer the thoughts of the mind rise to God as an oblation made to Him.

**2150. Definition of Devotion.**—Devotion is defined as "the will to give oneself readily to those things that pertain to the divine service." We find an example of it in Exod., xxxv. 21, where it is said that the multitude offered first fruits to the Lord with a most ready and devout mind. One who is devoted to another is strongly attached to that other's interests, and so one who is devout is zealous for the service of God.

(a) Thus, devotion is an *act of the will,* that is, an offering of oneself to the service of God, the Last End. But devotion may be found in other acts in so far as they are done under the will's impulse, such as prayer, adoration, sacrifice. The looks, gestures, and voice of those who pray or take part in services of divine worship are influenced by internal devotion, and so become fitting expressions of honor shown to God and an inspiration to beholders.

(b) Devotion contains a *ready willingness,* that is, the devout person is quick to choose the divine honor as a purpose, quick also to select and to employ suitable means for this purpose. The great model of this is Our Lord, who declared that His very food was to serve His Father (John, iv. 34).

(c) Devotion is exercised in things that pertain to *the divine service,* that is, to the worship or honor of God. Thus, he who offers himself to God intending the offering as an act of spiritual union or friendship exercises the virtue of charity, while he who forms the intention of doing good in order to glorify God exercises devotion. But devotion and charity are not separated, for charity inspires devotion and devotion nourishes charity.

**2151.** Devotion should not be confused with emotion, spiritual consolation, or pious exercises known as devotions.

(a) Thus, emotion or pleasure of a non-religious kind is not devotion, though sometimes mistaken for it when the emotion or pleasure is of an elevating kind and occasioned by religious exercises. Neither esthetic joy (*e.g.,* over the music, the ceremonies, the architecture of the church), nor literary pleasure (*e.g.* over a sublime passage of Holy Writ or a charming liturgical composition), nor intellectual satisfaction (*e.g.,* over the refinement and culture imparted by religious truths), is necessarily joined with that strong attachment to God and inclination to do His will which is the soul of devotion.

(b) Spiritual consolations are sometimes called devotion, but they are not the same thing as the devotion we now speak of. Substantial devotion with which we are now concerned is in the will and consists in the strong inclination to praise and honor God, whereas accidental devotion is rather in the sensible appetite and consists in a feeling of sweetness or elevation in exercises of piety which sometimes reacts upon the body, as when a devout person weeps for joy at the thought of God. Substantial devotion is essential and should be maintained, even though there is no feeling of attraction or fervor. An example of this is furnished by Our Lord, who prayed earnestly during the agony in the garden and the desolation on the cross. Accidental devotion is not of itself evil, nor useless, and it may be desired and prayed for; but it is dangerous for those persons who are puffed up by it, or who become inordinately attached to it, or who are disposed to mistake it for substantial devotion, for, like the consoling vision of Thabor, it is passing and is not an end in itself.

(c) Devotions are various forms of external cult shown to God, Christ, the Blessed Virgin, the Saints, celebrated shrines, etc., whether of a liturgical or a popular, of a public or a private kind. Examples are the Forty Hours' Devotion, novenas, consecrated days and months, the use of scapulars, medals, etc., pilgrimages, and the like. All these devotions that have the approval of the Church are good and useful in themselves. But devotees often made a bad use of them, substituting devotions for devotion and the non-essential for the essential, as when religion is made to center in pictures or music or a sentimental attachment for some favorite Saint. Persons who multiply external observances may be without the least degree of real devotion.

**2152. External and Internal Cause of Devotion.**—The external cause of devotion is God, who by grace bestows the will of serving Him gladly, and therefore the Church prays God to bestow upon us the disposition of piety and devotion, and to increase in us devotion unto salvation. But there is also an internal cause, namely, mental prayer or consideration of divine things, for the will follows on the intellect. Hence, it is impossible to animate external acts of worship with true devotion, unless one practises daily or frequent mental prayer. The subjects of mental prayer that promote devotion are reducible to two:

(a) one should think on one's own weakness (sins, dangers, temptations, etc.) and one's need of God, for this serves to remove the impediments to devotion. Those who would be devoted to God must free themselves from presumption and self-confidence in the spirit of the pilgrim going up to the Temple who said: "I will raise my eyes to the mountains from which help cometh to me" (Psalm cxx. 1);

(b) one should think on points that will excite the love of God, such as the thought of His goodness, the memory of His benefits, the mysteries of the life of Christ; for these considerations by inspiring charity will thereby indirectly introduce devotion to God. "It is good for me to cling fast to God and to place my hope in the Lord," said the Psalmist, after he had thought over the blessings received from Providence (Psalm lxxii. 28).

**2153. Prayer.**—Prayer can be taken in various senses. (a) Thus, in the widest sense prayer is any act of religion or a holy life. St. Augustine says that a good life is the best of all prayers, and the command of Christ that we pray always has been understood to mean that we should always follow good. (b) In a less wide sense, prayer is the raising of the mind to God, in order to praise, adore, thank Him, etc. The motive of veneration here present distinguishes prayer from mere thoughts about God as when one studies or discusses theological subjects to satisfy curiosity or to impart information. (c) In its strict sense, prayer is the asking for suitable things from God. By suitable things are meant such as are lawful and becoming, and hence it would not be a prayer, but a mockery, to ask God for help to accomplish sin or for miracles in trivial matters. We are now considering prayer in its strict and less wide senses.

**2154. The Psychology of Prayer.**—(a) Prayer in its nature is an act of the reason, for it is a conversation or communication with God. It belongs, however, not to the speculative, but to the practical reason, since it is not a mere process of apprehension, judgment or reasoning, but the arrangement and presentation of requests, plans, etc., before God with a view to their acceptance by Him. By prayer, then, we do not understand thinking on God, as in meditation and contemplation (though these are known as mental prayer), but speaking to God.

(b) Prayer in its origin is an act of the will, for the practical reason presents before God only such things as are desired by him who prays. Prayer is the interpreter of desire. Indeed, God may take the will for the request and grant what has not yet been asked: ''The Lord heard the desire of the poor'' (Ps. ix. 17); ''Before they cry I shall hear them'' (Is., lxv. 24). Moreover, prayer should spring out of an inclination towards God Himself and a desire for union with Him (Ps. xli. 1. 2; Ps. xxvi. 4).

**2155. The Necessity of Prayer.**—(a) Prayer is not necessary on God's account, as though He needed to be informed of our wants, or could not be happy without our homage, or might be induced to change His plans; (b) it is necessary for our own sakes, for, although God could and sometimes does grant favors unasked, He wishes that ordinarily we should have the double benefit of the prayer and of the favor given in answer to the prayer. God could grant the crops of the fields without human cultivation, or even tools and finished articles without human invention or labor, but man would then lose the fruits that belong to labor of mind and body. Prayer is most beneficial, even when unanswered: it attracts man to perform his basic duty of honoring his Creator, to keep in use his spiritual powers, and to exercise the necessary virtues of faith, hope and charity; it gives him the privilege of speaking directly with God and with Christ and of asking for what he desires—an intimacy that must in time correct and elevate man's whole spiritual life; then prayer is a pouring out of the heart to God the Heavenly Father, and this will afford relief in times of misfortune or peril.

**2156. The Duty of Prayer for all Adults.**—(a) Prayer is necessary from divine precept, as is declared in many passages of Scripture. Thus, we are commanded to watch and pray (Matt., xxvi. 41), to pray always and not to faint (Luke, xviii. 1), to ask and to knock (Matt., vii. 7 sqq.), to pray without ceasing (I Thess., v. 17), to watch in prayers (I Peter, iv. 7). In the Mass the Lord's Prayer is prefaced with the words: "Commanded by salutary precepts and admonished by divine instructions, we make bold to say: Our Father, etc." There is, however, no divine precept of vocal prayer or as to the use of the form of words given by Christ, but one must pray at least mentally and in the manner indicated by Christ.

(b) Prayer is also necessary as a means (see **360**), at least generally speaking; not that God could not save man without prayer, but that He has made it an indispensable condition, as is true also of Baptism, without which salvation is not conferred. This is the common opinion and it rests on strong arguments. Thus, there are certain necessary goods (such as perseverance) that cannot be had except through prayer, and there are certain necessary duties (such as the acts of faith, charity, and religion) that are not exercised apart from prayer. Then, there is the teaching of the Church and of the Fathers and Doctors that prayer is needed in order to observe the Commandments (Council of Trent), that no one is assisted who does not pray (Gennadius), that prayer is to the soul what breath is to the body (St. Benedict), that he who prays will certainly be saved, while he who prays not will surely be lost (St. Alphonsus).

**2157. Times and Frequency of Prayer.**—As to the times and frequency of prayer, in fulfillment of the obligation, there are the same opinions and conclusions as for the acts of faith, hope, and charity (see **929 sqq., 1095–1097, 1593 sqq.**). On this point we may conclude as follows:

(a) directly, or by reason of the precept of prayer itself, there is a duty to pray at the beginning of the moral life, frequently during life (whether daily, weekly, monthly, yearly, etc. cannot be precisely determined; but there is no practical difficulty, since those who devoutly hear Mass at the times commanded comply with the duty of prayer), and also in danger of death. At the outset of the moral life the reason and will should turn to God, and this is prayer at least in the widest sense; during life prayer should be frequent and continuous according to the words of Scripture; at the hour of death, prayer is necessary, since we are specially bidden to ask for perseverance till the end;

(b) indirectly, or by reason of some precept distinct from that of prayer, prayer is necessary whenever one needs to have recourse to God to fulfill some command or avoid something prohibited. Thus, one should pray at Mass, for according to church law Mass must be heard devoutly; one should pray when a dangerous temptation assails one, or when there are great calamities, especially of a public character, for according to the precept of charity one must help oneself and others in difficulties.

**2158. Practical Corollaries about Prayer with Reference to Confession.**—(a) Practical Catholics, that is, those who comply with the precepts of the Church, but who accuse themselves of neglecting morning and evening prayers or grace at meals, cannot be judged guilty of sin, even of venial sin, on account of this neglect; for there is no common precept directly obliging to such prayers. But there may often be a venial sin for other reasons, as when the omission is due to a spirit of lukewarmness, or when indirectly there is a duty to pray at those times for special reasons, such as daily needs or temptations. We do not agree, then, with the opinion that omission of morning and evening prayers, especially when it is habitual, is never sufficient matter for absolution.

(b) Unpractical Catholics, that is, those who have been away from Mass or the Sacraments contrary to the laws of the Church as habitual transgressors, and who say nothing about their neglect of prayer, should be questioned whether in all the years of absence from their duties they have also omitted all prayers. For, if this be the case, they have sinned against the duty of prayer. Morning and evening prayer and grace at table should be earnestly recommended to all, because these are customs that have come down from the earliest times, and also because those who disregard them often come to neglect all prayer, or at least expose themselves to dangers or to the loss of precious graces.

**2159. To Whom May Prayer Be Offered?**—Only God may be addressed as the Bestower of favors ("The Lord giveth grace and glory," Ps. lxxxiii. 12), but the Saints may be prayed to as intercessors before God ("The smoke of incense of the prayers of the saints ascended up before God from the hands of the angel," Apoc., viii. 4). Hence, the Church asks God to have mercy on us; it asks the Saints to pray for us. It is lawful privately to invoke the prayers of an infant who died after Baptism, of a soul in Purgatory (though more probably the souls in Purgatory themselves are not in a state to assist others), and one may ask the prayers of those who are still alive, as St. Paul frequently does in his Epistles. There is no command that we pray to the Saints, and hence one who did not pray to them would not be guilty of grave sin *per se;* but there would be grave sin, if their intercession was neglected on account of contempt, and venial sin, if one failed to call on them (especially on the Blessed Virgin, the Mediatrix of all graces) on account of negligence about one's own spiritual good.

**2160. The Persons for Whom Prayer Is Offered.**—There is an obligation of charity to pray for ourselves and also for others, for we should ask for the things that we are obliged to desire (see **2161**). This duty is taught in Holy Scripture (*e.g.,* Our Lord prayed for Peter; St. Paul asks for the prayers of his Churches; St. James, in v. 16, admonishes us to pray for one another that we may be saved); also in the creed and liturgy of the Church, for we profess belief in the communion of saints, and offer Masses and suffrages for the living and the dead. One should pray for enemies in common prayers that are offered for all, and in special prayers for them in particular, when there is a special reason, such as their grave necessity or the scandal that would be given if one refused to join in a special prayer for one's enemy (Matt., v. 44); but one may not pray for the success of the evil projects of an enemy, and one is not obliged to make special prayers for him apart from necessity (see **1151**). For the excommunicated one should pray in private prayers—and also in public prayers, when this is permitted by the law, as in the services of Good Friday and under certain conditions in Masses (Canon 2262). For sinners prayers should be said, unless they are already lost. The souls in Purgatory are also to be prayed for, although the obligation does not seem grave, since it is not certain as to any particular soul that it is in need of our prayers. As to the blessed, one may pray for their canonization or accidental glory, not for their essential glory, which they already possess.

**2161. Things that May Be Prayed for.**—(a) *Evils.*—One may never pray for moral evil, even of the slightest kind, and it would be a grave irreverence to beseech God to become our helper in the commission of sin. As to physical evils, one may not ask them as evils or for their own sake; but it is lawful to pray for them in the larger sense in which they are goods. Thus, for oneself one may ask from God sickness, poverty or death, in so far as these ills are means of correction, improvement, merit, penance, or escape from sin; for an enemy one may ask that God restrain him, even by the use of temporal misfortunes, if this be necessary to keep him from sin.

(b) *Indifferent Things.*—One may not desire an indifferent thing, if there is no moral purpose to justify it (see **83**). Hence, one may not ask God for the gratification of idle wishes (*e.g.,* that one win a game in which the only purpose in gain), but it does not seem that there is grave irreverence in so doing.

(c) *Temporal Goods.*—These may not be asked for from a primary intention, since we must seek first the kingdom of God and His justice (Matt., vi. 33), which are more important; neither may we ask for any determinate temporal thing unconditionally, since we are uncertain whether it will prove beneficial or harmful. But temporal things may be asked for from a secondary intention (that is, in so far as they are means that assist us to attain spiritual goods) and conditionally (that is, under the proviso that they will prove spiritually beneficial). Thus, the Church prays for protection against storms and disturbances, and asks for good weather, abundant harvests, peace, etc.

(d) *Spiritual Goods.*—Eternal salvation and the means thereto we should pray for as the principal objects of our desire and should ask for them unconditionally; for God is our true End, and the things that lead to Him cannot be harmful to us. Miracles may be asked for, but it is wrong to beg God for privileges that are reserved for others (*e.g.,* to sit at the right hand of Christ in glory).

**2162. The Qualities of Prayer.**—(a) As to its manner, prayer is either unaccompanied or accompanied by external acts of worship, such as bodily gestures or speech. But not infrequently the thoughts are voiced in words, and we then have what is known as vocal prayer. Prayer made by a private person for himself or others may be internal; but public prayer that is offered by the ministers of the Church in the name of the Church should be vocal, since it should be manifested to the people for whom it is being offered. But the use of words or other external signs is advantageous even in private prayer, since it excites greater devotion in a person and is a help to attention.

(b) As to persistence, prayer is continuous or interrupted. Prayer should be continuous if there is question of its cause, which is prayerfulness of spirit, or desire of salvation; and in this sense may be understood the words of Scripture that command us to pray always (Luke, xviii. 1; Eph., vi. 18; I Thess., v. 17). But if we speak of prayer itself, it is impossible to pray unceasingly in this life, as there are many other things that have to be done and rest is a necessity.

(c) As to quantity, prayers are lengthy or brief. Our Lord rejected the belief of the pagans that the efficacy of prayer depends on many words (Matt., vi. 7), but He did not forbid long prayers, since He often spent nights in prayer. The rule about the length of private prayers is that one should pray for such a space of time as is favorable to devotion, and should cease from prayer as soon as it becomes tedious; similarly, public devotions should not be so lengthened out that those present become wearied and inattentive. The Fathers of the Desert were wont to offer many brief but ardent ejaculatory prayers, fearing that prayer long drawn out would fall away from the fervor of intention with which it began. But, if devotion continues, prayer should not easily be broken off.

**2163. The Confidence Requisite for Successful Prayer.**—(a) Confidence must exclude doubt or distrust in reference to God or prayer itself: "How shall they call on Him whom they have not believed?" (Rom., x. 14); "Let not that man (that wavereth) think that he shall receive anything of the Lord" (James, i. 6, 7).

(b) Confidence does not exclude doubt about one's own dispositions ("It is not for our justice that we present our prayers before Thee, but for the multitude of Thy tender mercies"); on the contrary, the prayer of the Pharisee was not heard, because he trusted in himself (Luke, xviii. 9). Neither does confidence in prayer mean that one may ask unconditionally for temporal things (see **2161** c).

**2164. Intention and Attention.**—Attention is the voluntary application of the mind to that which is done, or the consideration or advertence of the mind given to an act. It differs from intention, which is an act, not of the reason, but of the will, consisting in the purpose to perform an act. Prayer requires both intention and attention.

(a) There must be intention, for prayer in its origin is an act of the will and it pertains to religion only because of the devotion by means of which it is elicited. A man who, while reading aloud from a novel, recites the words of a prayer contained in the novel, does not pray, for his intention is pleasure or instruction, not worship. And even one who says or answers prayers attentively during services does not really pray if his motive is not one of religion. (b) There must be attention, for prayer is of its nature an act of the mind (see **2154**). A parrot or a phonograph is not said to pray when it repeats the words of the Our Father or Hail Mary.

**2165. The Intention Required in Prayer.**—(a) An actual intention is had when one either expressly or implicitly wills to offer a prayer, as when one says internally: "I will now say a prayer," or when without such express act one deliberately performs that which is a prayer, making internal acts of faith, reciting the Rosary, reading from a prayer-book, etc. This kind of intention is necessary at the beginning of prayer, and is the best that may be had during the course of prayer.

(b) A virtual intention is had when one is occupied in prayer on account of an actual intention previously formed and not retracted, but here and now, on account of human weakness, one is thinking of indifferent things impertinent to the prayer and its purpose. This kind of intention continues unless withdrawn directly by contrary intention or indirectly by the performance of acts inconsistent with prayer. Virtual intention suffices during the course of prayer, for a continuous and uninterrupted actual intention is humanly impossible. The more the mind struggles to keep the thought fixed on one object alone, the more do other thoughts arise to distract, as experience proves.

(c) An habitual intention is had when one is occupied in prayer, not on account of any actual intention previously formed, but on account of a propensity or inclination resulting from previous acts. This is not properly an intention and it does not suffice for prayer, since with it the acts performed do not proceed actually or virtually from any determination of the will. Thus, a person who is asleep or intoxicated is not said to pray when he mechanically repeats well-known words of prayer, for his will has no part in those words, any more than the will of the somnambulist has part in the dangerous walks he takes.

**2166. The Attention in Prayer.**—(a) By reason of its object, attention is external or internal, according as the mind is taken up only with the externals of prayer (*i.e.*, the exclusion of external acts inconsistent with prayer and the proper bodily posture) or with the things internal to prayer (*i.e.*, the words, sense and purpose of the prayer). Internal attention is called verbal or superficial when it is directed only to the words, as when a person who does not understand the meaning of a prayer says it carefully so as not to mispronounce the words; it is literal, when it is directed only to the sense, as when a person who says a very obscure prayer pays close attention so as to follow its meaning; it is spiritual, when it is directed to the purpose of prayer (*i.e.*, the worship of God by an act of religion), or to the objects of prayer (*i.e.*, eternal salvation or the means thereto, such as grace and the virtues, the mysteries of religion, etc.).

(b) By reason of its subject, attention is either perfect or imperfect. Perfect attention excludes every distracting thought, even such as are involuntary; imperfect attention excludes voluntary but not involuntary distractions.

**2167. Acts that Exclude External Attention.**—What external actions are inconsistent with external prayer and exclusive of external attention?

(a) Those acts exclude external attention which either from their nature (on account of the great mental application they demand) or from the weakness of a person's mind (for it is not everyone who can like Julius Cæsar think on several things at the same time) make it impossible to have recollection in prayer when those acts are being performed. Acts of this kind are reading about other matters, painting, writing, carrying on conversation with those around, boisterous laughing, etc. But if the one who prays engages in these acts inadvertently (*e.g.*, if a person reciting the Breviary does not notice that he is giving considerable attention to an inscription or advertisement on an adjacent wall), the distraction is merely involuntary and inculpable.

(b) Those acts do not exclude external attention that either not at all or only in slight measure interfere with internal recollection in prayer. Such acts are slow walking, riding, looking about at the scenery, picking a flower now and then, dressing, undressing, bathing, combing the hair, etc. The Church prescribes certain prayers to be said while the priest vests for Mass, and it was an old rule among the monks to join labor and prayer.

**2168. When External Attention Is Sufficient.**—Is external attention sufficient in prayer when internal attention is voluntarily excluded?

(a) In public prayers external attention is sufficient as to a number of effects. Thus, in the administration of the Sacraments the want of internal attention in the minister does not make the Sacrament invalid, since the Sacraments produce grace *ex opere operato;* in public suffrages the indevotion and distraction of the priest do not deprive the beneficiary of the impetratory fruit, since the public prayers are offered in the name of the Church itself; in the Divine Office merely external attention suffices to fulfill the positive obligation, according to many, because it is not certain that the Church requires more.

(b) In all prayers mere external attention is insufficient for the personal effects of impetration, merit and satisfaction. For to pray with willful indevotion is not an act deserving of remission, reward and a favorable answer, but rather of punishment ("Before prayer prepare thy soul and be not as a man that tempteth God," Ecclus., xviii. 23); it is disrespectful to God and therefore cannot claim the benefits of an act of worship.

**2169. The Kind of Internal Attention Required in Prayer.**—(a) The minimum that suffices for the personal benefits of merit and impetration is the verbal or the literal attention, and the imperfect attention that is mixed with some unwilled distractions or mind wanderings. Indeed, a person who intends to pray well, but whose whole prayer is a continual distraction in spite of his efforts to be recollected, does not lose, but rather by reason of his good will and effort increases, his merit. But for spiritual refreshment there must be freedom from distraction; for, just as a student gets no mental nourishment from a lesson if his mind is many miles away, and a listener gets no instruction from a discourse spoken in a foreign language (I Cor., xiv. 4), so one who prays with an absent mind loses the devotion and joy that are afforded by actual communion with heavenly thoughts.

(b) The maximum that should be aimed at in prayer for the greater blessing it brings is the spiritual attention fixed on the presence of God and the perfect attention that keeps away as far as possible the interruption from any vain, perverse or extraneous thoughts.

**2170. Distractions.**—Just as certain external acts exclude external attention, so also certain internal states exclude internal attention. These latter are known as distractions, and may be defined as internal acts or omissions opposed to the nature or purpose of prayer, but performed during prayer.

(a) Distractions ar either *acts or omissions*. Thus, a person who slumbers lightly or is partly asleep during prayer is inattentive or wanting by omission; while the person who thinks out plots for stories or plays during prayer time is distracted or wanting by commission.

(b) Distractions are sometimes opposed *to the nature of prayer*. To the nature of vocal prayer belong the words and the sense, and hence, even though one is rapt in meditation, there is no vocal prayer if words are mispronounced or left out or so changed or transposed as to make nonsense or no sense, though negligence about a word here and there does not necessarily exclude superficial attention. Those who from long familiarity with forms of prayer are able to repeat them automatically, with no thought about the words or their meaning, direct or mystical, are not distracted if their thoughts are on the motive of prayer. But it would not be fitting to observe no order in these matters, for example, to dwell always on the glorious mysteries during passiontide prayer and on the sorrowful mysteries during paschal prayers.

(c) Distractions are sometimes *opposed to the purpose of prayer*. The purpose of prayer itself is the union of the mind with God, while the purpose of the one who prays is the special good to which he directs his prayer. Union with God is necessary above all in prayer, and though it need not be expressly thought on, as was said above (**2169**), yet there must be no thought in the mind contrary to it. Thoughts, desires and imaginations are contrary to the end of prayer when they are not means to that end (*e.g.,* sinful thoughts, idle thoughts, thoughts on lawful occupations or affections that have nothing to do with the prayer), or when they are means to that end but are perverted to a purely natural use (*e.g.*, when verbal attention is made an exercise in voice culture, or literal attention a grammatical study, or attention to the purpose of prayer means that one is speculating on foolish questions about divinity or thinking on the money, food, or clothing, for which one is praying as if they were the ends of prayer). Scrupulous persons make attention itself a distraction, for they worry all during prayer lest their thoughts be wandering, and so they are thinking about themselves rather than about the words, meaning or purpose of prayer.

(d) Distractions occur *during prayer*. Hence, an interruption is not a distraction, as when one who is praying is called to attend to some business or leaves off prayer for the moment to make a note of some important thought that came to mind. Neither is the breaking off of prayer a distraction, as when one starts to pray but feels so distracted or unwell as to give over for the time being the attempt to pray.

**2171. Voluntary and Involuntary Distractions.**—(a) Voluntary distractions result in the first place from purpose, as when one who is praying deliberately dozes at intervals when he feels drowsy, or deliberately turns over in his mind the points of an address he intends to give; they result in the second place from negligence, as when the person who is praying does not expressly wish to be inattentive, but hurries through his words with no pains to keep his thoughts on what he is doing or why he is doing it. Those who rarely speak or read about divine things, but give themselves much to foolish reading or talk, prepare for themselves many distractions, unless they counteract this by special aids to recollection, such as pictures or prayer books.

(b) Involuntary distractions are those that result neither from purpose nor from carelessness, but from human weakness. Thus, a person who is troubled with scruples or with a severe headache or nervous strain, who is worn out bodily or much worried mentally, or who is surrounded by noise or disturbance, is often physically unable to concentrate his mind for any length of time, no matter how much he may desire to do so. Indeed, St. Thomas says that it is hardly possible for anyone to say an Our Father without some distraction, and many persons are distracted against their will by every slight sound or movement that falls under their notice.

**2772. Sinfulness of Distraction in Prayer.**—(a) Involuntary distractions are not sinful, since one is not bound to the impossible. Hence, a penitent who has nothing except these distractions to confess may not be absolved, since there is no matter for absolution in his confession.

(b) Voluntary distractions are sinful, since, though one is free to address God at any time, one is bound to do this in a respectful manner and in spirit and in truth, as God requires. Communion with God is by means of the mind, and it is disrespectful to turn the mind away to other things when the communion has been sought. Besides, lip service is displeasing to God, just as burnt offerings were not acceptable when made without love. But the sin is of its nature only venial; for the intention to pray, together with the essential moral goodness of the act, is retained, and the defect consists in the circumstance that the intention is executed remissly (see **78**).

**2173.** When is voluntary distraction a grave and when a venial sin? (a) It is a venial sin when one says a non-obligatory prayer, even with the express will to be inattentive, and also when one says an obligatory prayer (such as the Divine Office) with distractions due to carelessness, but without abandonment of the intention to pray. (b) It is a mortal sin when one indulges in distractions from contempt, and also when one says an obligatory prayer with distractions that last during a notable part of the prayer and that are deliberately entertained.

**2174.** Distractions during Divine Office are the absence of the attention which the Church requires under grave sin for satisfaction of the canonical obligation. There are two opinions about the kind of distractions that make recitation insufficient and gravely sinful.

(a) According to the older opinion, internal attention is required, but it seems that generally those who maintain this view do not hold that internal distractions alone deprive the Office of its sufficiency. Thus, they state that one who has had voluntary distractions may consider that he has fulfilled his duty, unless he is certain that he also adverted to his state of distraction and did nothing to end it.

(b) According to the opinion of many modern authors, external attention suffices. Hence, in this view mortal sin is incurred by notable defect in external, but not in internal attention.

**2175. The External Acts of Religion.**—We proceed now to those acts of religion which are performed in an outward manner. But it should be noted that just as devotion and prayer find external expression (as in vocal prayer), so the external acts of religion should proceed from internal devotion. The outward religious acts may be classified under three groups: (a) the acts in which one offers one's body as a mark of veneration to God (adoration); (b) the acts in which one offers external goods, whether given (sacrifices, offerings, first-fruits, tithes) or promised (vows); (c) the acts in which one makes use of divine things to honor God (Sacraments, oaths, adjuration, praises).

**2176. Definition of Adoration.**—Adoration or worship is honor shown to God through bodily acts offered in acknowledgment of His supreme excellence and of our dependence on Him.

(a) Thus, it is acknowledgment of *dependence* on God, and as such it differs from mere honor, which may be shown even to an equal.

(b) It is an acknowledgment of *supreme excellence,* and so it differs from veneration shown to creatures who are above us. Adoration (*latria*), therefore, is not the same thing as the sacred cult or veneration shown the Blessed Virgin (*hyperdulia*) and the Saints (*dulia*) on account of their supernatural grace and glory; much less is it the same thing as the civil cult shown to persons illustrious for natural qualities, such as acquired knowledge, political dignity or power, etc.: "The Lord thy God shalt thou adore and Him only shalt thou serve" (Matt., iv. 10).

**2177. Unity and Variety of Adoration.**—Adoration is but one, though it has various expressions. (a) The unity of adoration depends on the unity of its object. There is but one God to whom belong the various divine attributes, and the three Divine Persons share the same majesty. Hence, there is but one adoration. (b) The variety in adoration is in the expression. The higher expression of adoration is internal: it does not depend on bodily acts or places, and it is offered by Angels as well as by man. The lower expression of adoration is made through bodily acts, such as genuflections, prostrations, prayer with face to the east, and the use of sacred places for worship, all of which externals are employed as aids to devotion and symbols of the divine glory (Matt., xviii. 20; Luke, xix. 46). Some of the actions here mentioned are sometimes used in the religious or civil cult shown to creatures, but internal adoration belongs to God alone.

**2178. Definition of Sacrifice.**—Sacrifice is the offering to God and a real changing of a sensible thing, made by a lawful minister, in acknowledgment of God's supreme dominion and of our subjection to Him.

(a) It is an *offering* or oblation; that is, one makes a gift directly to God Himself. Thus, sacrifice differs from contributions of the people made for the clergy or the church.

(b) It offers a *sensible thing,* that is, some object perceptible by the senses or hidden under sensible species; for sacrifice is an outward sign of the inner offering, by which the soul itself is subjected to God.

(c) It is made *by a lawful minister,* for sacrifice is a public act performed in the name of the community, and hence it may be offered only by those who represent the community. St. Paul declares that a high-priest is chosen from men to offer sacrifice, and that no one may take the honor to himself unless he is called as Aaron was (Heb., v. 4).

(d) It is *made to God alone,* since God alone is our First Beginning and Last End: "He who sacrifices to other gods besides the Lord shall be put to death" (Exod., xxii. 20). Mass in honor of the Blessed Virgin or the Saints means that sacrifice is offered God in thanksgiving for their merits or in petition that we may imitate their virtues. Oblations may be made to men, but sacrifice may be offered only to God.

(e) It is *through a real change* of the thing offered, which thus becomes the victim of sacrifice; for the supreme act of worship reserved to God acts upon the substance itself of an external thing to signify that the worshipper offers his own being to God. The change in the thing sacrificed consists in its being made sacred, or set apart as the central object in the supreme act of worship.

(f) It is made *in acknowledgment of God's supreme dominion and of our subjection* to Him; that is, it is an act whose direct and proper end is the exercise of the virtue of religion. Thus, sacrifice differs from acts of self-sacrifice such as continence, abstinence, martyrdom, even when they are offered in honor of God, for the direct and proper end of these acts is some other virtue than that of religion. The act of sacrifice has no other purpose except worship, but other virtuous acts have their own ends to make them praiseworthy, even when they are used as acts of worship.

**2179. The Essentials of Sacrifice.**—(a) The outward sign may be said to consist of matter and form. The matter is some sensible thing used as victim, whether it be inanimate (*e.g.,* the bread and wine of Melchisedech), or animate (*e.g.,* the paschal lamb), or human (*e.g.,* Our Lord in His passion). The form is some sensible action that makes the victim sacred by dedicating it to sacrificial oblation (*e.g.,* the breaking of bread, the libation of wine, the offering of the slain lamb, the voluntary and visible acceptance of death by Our Lord). In the Mass Christ is sacrificed, not as existing under His own appearances, but as present under the sacramental species and offered through His representatives; and hence in the Mass the Victim is sensible by means of the species that signify and contain Him, while the dedication by the Supreme Priest is made sensible through the words of the ministering priest who acts for Christ.

(b) The inner thing that is signified in sacrifice is primarily the offering of self to God, in recognition that from Him we have our being and in Him is our happiness. But secondarily it signifies the fruits we derive from union with God (*e.g.*, the benefits of redemption and salvation). Thus, the sacrificial death of Christ is also a symbol of man's death to sin and life in God (I Peter, iv. 1).

**2180. The Obligation of Sacrifice.**—(a) The internal or spiritual sacrifice is obligatory for all, since all are bound to offer God devotion of will, communion of mind, recognition of His supremacy. (b) The external sacrifice improperly so called, which consists in the practice of works of virtue, is obligatory for all in so far as commanded acts are concerned, but not when virtuous deeds are of supererogation. (c) The external sacrifice properly so called, which consists in an outward sign indicative of internal worship of God, is by natural law necessary, for reason itself shows to man that he is an inferior and dependent being, and so should acknowledge the superiority of God and his own submission by acts suitable to his nature as a being composed of body and soul, and for whom sensible things are signs of spiritual truths.

**2181. Exemptions Based on the Natural Law.**—Though the external sacrifice strictly so called is obligatory from natural law, it is not a primary precept of nature, nor does nature determine its details.

(a) Hence, the fact of the obligation may be unknown to an individual, since (though reason indicates it) it is not evident and rests upon a number of premises from which it has to be reasoned out. Unlike the duty of honoring parents, which is immediately inferred from natural principles, the duty of offering sacrifice is only remotely inferred, and hence admits of invincible ignorance (see **320**).

(b) The manner of fulfilling the obligation, since not defined by natural law, has to be determined by positive laws, or, in the absence of these, by suitability to the circumstances in which one lives. Before the positive divine law was given, there was no obligatory rite for sacrifice and the oblation was not entrusted to any special body of men, and hence we read that in the times of the patriarchs there was great freedom as to the ceremonies and the ministry employed in sacrifice. But under the Mosaic Law the manner of sacrificing was minutely prescribed and its office entrusted to the sons of Aaron, even to the exclusion of monarchs; while under the law of Christ there is but the one sacrifice of the Cross perpetuated in the Mass in an unbloody manner, and the ministers who have power to offer sacrifice are only the bishops and priests.

**2182. Is Sacrifice Superior to All the Other Acts of Religion?**—(a) Sacrifice is not superior to the internal act of religion, for devotion or the internal sacrifice is the soul that animates and moves the external rites (see **2149**): "The multitude offered victims and praises and holocausts with a devout mind" (II Par., xxix. 31); "Obedience is better than sacrifice" (I Kings, xv. 22).

(b) Sacrifice is preëminent among the external acts of religion. Some acts of religion are optional (*e.g.*, vows, oaths, adjurations), but sacrifice is a natural obligation. Some acts of religion are obligatory, but marks of respect similar to them may also be shown to creatures (*e.g.*, customary offerings, praises), whereas no kind of sacrifice may be offered to a creature. Some acts of religion are reserved to God, but they have no rite that is peculiar to the worship of God and that may not be exercised by all (*e.g.*, acts of adoration), whereas sacrifice has a service reserved to God and which only priests can perform. Sacraments are primarily for the welfare of man; sacrifice is primarily for the honor of God. Non-sacrificial acts of religion may be performed in the name of an individual (*e.g.*, adoration), whereas sacrifice is in the name of the community; other acts of religion may signify dependence on God for temporal and corporal things (*e.g.*, offering of first-fruits), but sacrifice signifies the dependence of the soul itself on God for existence and beatitude.

**2183. Offerings.**—Offerings are gifts made immediately to God, to be employed without change for divine worship or for the needs of the ministers of divine worship, the purpose being to worship God by the tribute paid.

(a) Thus, offerings are *gifts*; that is, they are offered to God without the compulsion of any law, or at least without any determination by law of the amount to be given. Natural reason teaches man that he should bestow something from his goods in this manner as a thank offering for the divine bounty, when there are representatives of God to whom the gift may be given. The gift should be a free-will offering (Exod., xxv. 2), unless there are special circumstances that render it a debt, such as contract, promise, custom, or the need of the ministers of the Church.

(b) They are *made immediately to God Himself,* and so they differ from tithes or other dues that are paid to the clergy for their support.

(c) They are *not changed* at all in the act of worship (*e.g.,* an offering of sacred vessels or altar furnishings), or at least they are not changed into the sacred condition of a sacrificial victim (*e.g.,* offerings of candles, incense, etc., that are consumed during Mass). Thus, simple oblation differs from sacrificial oblation.

(d) They are *devoted to the service of God,* since they are gifts made to Him. Hence, they are used in divine worship and, if consecrated (*e.g.,* chalices, vestments), may not be used for other purposes; or they are used for the needs of the ministers of divine worship or of the poor, since those who serve the altar should live by the altar (I Cor., ix. 14), and Our Lord shared His purse with the poor (Matt., xxvi. 9, 11).

(e) They are given as a *mark of honor* to God, especially in recognition of favors received from Him. Thus, in the Old Law the people were obliged to give the first-fruits of their fields and crops to God, in thanksgiving for the gift of the promised land and of its fruits (Deut., xxvi. 10).

**2184. Goods Unsuitable as Offerings to God.**—There are certain goods, however, that should not be used as offerings to God.

(a) Thus, those goods that are forbidden by positive law may not be offered to God. In the Old Law certain animals could not be offered to God, either because they were legally unclean (*e.g.,* dogs were associated with pagan rites and were regarded as symbols of rapacity), or because they were of inferior quality (*e.g.*, a blind or lame sheep or other animal worthless to its owner).

(b) Those goods that the offerer has no right to give away or that are unsuitable on account of circumstances may never be given as offerings to God. Thus, one may not make an offering to God of money that belongs to another (Ecclus., xxxiv. 21); a son may not give as a gift to God the money he should spend on his needy parents (Matt., xv. 3–6). Neither may one offer corrupted wine for the Mass, nor the wages of prostitution to the church if there will be scandal, nor gifts that are mean and contemptible, etc.

**2185. Contributions.**—Contributions to the support of the clergy and church causes are neither sacrifices nor offerings in the strict sense of these words, since they are given not directly to God but to the ministers of God. The manner of making contributions to the Church has varied with time.

(a) Thus, in the first ages of the Church clerics having the care of souls were supported by the voluntary gifts of the people. These gifts were made especially during Mass. Bread and wine and other things necessary for divine worship and the support of the clergy were brought at the Offertory (the origin of the present Offertory collection), while food for the agapæ or for the poor was presented for a blessing towards the end of the Canon, or before Mass.

(b) After peace had been given to the Church and the number of the faithful and of the clergy had greatly increased, it was found necessary to devise means for a more regular and certain supply of income. As early as the sixth century the ancient customs of first-fruits and tithes were made the subjects of conciliar enactments and imposed as specific taxes on crops or revenues. A more permanent system of church support was that of endowments or benefices which, owing to the increasing difficulties of older methods, sprang up about the sixth century and became universal in the eleventh. Fees in connection with the administration of sacred rites and stipends for Masses were in use in the seventh century.

(c) Today the system of benefices is the rule, while first-fruits and tithes are rare, though recognized by Canon Law. In some countries where benefices have been confiscated, part compensation is made in the form of pensions; in other countries (*e.g.*, in the United States) the free-will offerings of the faithful is the usual system.

**2186. Obligation of Contributing to the Support of the Clergy.**—(a) *Natural Law.*—Those who serve the common welfare, whether in spiritual or in temporal matters, should be supported by those whom they serve; for, as their time and labor is given to others, it is a duty of justice that these latter make a return for the benefits received. Hence, just as citizens are naturally bound to contribute to public officials, so are the faithful naturally bound to contribute according to their means to the ministers of religion.

(b) *Divine Law.*—Our Lord commanded His disciples to depend for their maintenance on those to whom they preached (''For the laborer is worthy of his meat,'' Matt., x. 10); and hence St. Paul says (I Cor., ix. 13, 14): ''They who work in the holy place eat the things that are of the holy place, and they that serve the altar partake with the altar. So also the Lord ordained that they who preach the Gospel should live by the Gospel.''

(c) *Church Law.*—The Canons reaffirm what is of natural and divine law, namely, that the faithful are obliged to support the clergy (Canon 1496); and as to the manner of making contributions they sanction local customs, such as parish payments (Canon 463) and tithes and first-fruits (Canon 1502), command the payment of *cathedraticum* (Canon 1504), etc.

**2187.** The Church, the Apostolic See, individual churches and moral persons of ecclesiastical law have the right to the temporal means requisite for their mission; and hence the faithful have the duty to contribute to necessary church causes, such as divine worship, the spread of the Gospel, and charity (Canons 1495 sqq.).

**2188. Quality of the Obligation of Contributing to the Church.**—(a) The obligation is one of justice as well as of religion, for there is a quasi-contract between the faithful on the one side and the Church and its ministers on the other side, the latter being obliged to give spiritual ministries and benefits, the former to supply the temporal sustenance and means. Hence, St. Paul compares the salaries given to the clergy to the wages or fruits paid to the laborer. It is not strange that those who sow spiritual things for others, should reap from the temporal things of the latter: for a soldier does not serve at his own expense; a planter, a shepherd, a plowman, and a thresher expect a share from their labors; indeed, even the animal that serves man is worth its keep (cfr. I Cor., ix. 4 sqq.).

(b) The obligation is grave, because it arises both from justice and from religion (see **1748, 2148**). He who refuses to contribute to the Church evades payment for services given him and also denies to divine worship his share of support.

**2189. Attitude Towards Persons Refusing to Contribute.**—The duties of the priest towards those who refuse to contribute their share to the support of the Church may be defined as follows:

(a) as to absolution, it should not be denied unless there is certainty that the penitent is in grave sin. Hence, according to Kenrick and the common opinion, unless there is a law fixing a tax or the delinquent church member is inflicting severe privation on the church or heavy burdens on others who have to contribute more than their share, the confessor should not enjoin payment under pain of denial of absolution. Apart from these cases, the Church, for the sake of souls, does not insist upon her right, as we see in the dealings of St. Paul with the Corinthians who neglected to give towards his support. The Apostle did not correct these men, although he would have done so had he considered them guilty of mortal sin;

(b) as to restitution, it seems it should not be insisted on. One who has guiltily refused to pay his church dues has offended justice, it is true, but the Church is concerned more with spiritual than with temporal things, and rather than place an obstacle to the conversion of a sinner or occasion scandal to the weak, she prefers to forego what is really her due (see **1487**);

(c) as to administration of the Sacraments or sacramentals, it should not be denied to those who are unable or unwilling to pay the customary fees. The recipient of the rites disgraces himself by unwillingness to do what others do, but religion itself would be degraded if the rites were refused for reasons of money.

**2190. Those to Whom Religious Contributions Are Due.**—(a) The entire Church should contribute to the support of the Pope, the Pastor of the whole flock of Christ, who is charged with the welfare of all. In the Old Law the Levites themselves were obliged to pay tithes to the high-priest (Num., xviii. 26 sqq.); but the amount to be given to Peter's Pence is left to the generosity and religious devotion of the contributors. (b) Each individual church or body in the Church should contribute to its own bishop or superior a just amount for necessary uses, as determined by law or lawful custom.

**2191. Vows.**—A *vow* is a promise made to God to perform that which is better.

(a) It is a *promise,* that is, an agreement by which one binds oneself under obligation to another to do or omit something (Eccles., v. 3, 4). Thus, a vow differs from deliberation about doing good or the purpose to do it, for it includes in addition to deliberation and purpose the decree of the reason which places one under the moral necessity of performing one's promise. Thus, persons who make good resolutions or who promise themselves that they will carry out certain good courses (*e.g.,* a drunkard who takes the pledge to abstain from intoxicants) do not sin against a vow when they break their resolutions. Even a promise or resolution made under oath is not necessarily a vow; and hence one who swears to observe chastity may be freed from the obligation by an ecclesiastical superior who has not the power of dispensing from a vow of chastity (see **2234, 2262**).

(b) A vow is a promise *made to God;* that is, the person who takes the vow intends to honor God and to bind himself to God. A vow may be made in honor of the Blessed Virgin or other Saint, in the sense that one vows to God what one promises to the Saint, or that one calls on the Saint to witness or to assist the vow, or that one offers the vow principally to God and secondarily to the Saint. Hence, if one were to make a promise to a Saint (*e.g.*, if a girl promises perpetual virginity to the Blessed Virgin) with no thought about God or no thought of obliging oneself before God, the act would be a promise pertaining to the virtue of veneration (*dulia*), but it would not be an act of religion or a vow. Promises made to living persons even under solemn circumstances (*e.g.*, a death-bed promise made to a dying mother) are sacred, but they have not the nature of a vow.

(c) A vow is a promise to perform *that which is better;* that is, since a vow is a free promise made to God, to whom only good is pleasing and to whom the lesser good is less pleasing, a vow does not promise God what is evil or entirely indifferent or less pleasing. It would dishonor a human being to promise him something offensive, it would not honor him to promise something vain or useless, it would not show him special honor to promise to do something less agreeable to him. Hence, it would be irreligious to take a vow to steal, or to count one's steps, or to prefer marriage itself to celibacy. Certain solemn promises are called vows (*e.g.*, the vows of Baptism, the marriage vows), but they are not vows in the strict sense as here understood, for they do not promise that which is better, the promisors having no intention to place on themselves the obligation of religion.

**2192. The Various Kinds of Vows.**—(a) By reason of its object, a vow is either *personal* (*i.e.*, the promise of some act or omission, such as a fast or the avoidance of an occasion of sin), *real* (*i.e.*, the promise of some payment or object, such as an alms), or *mixed* (*i.e.*, the promise of some action and some object, such as pilgrimage to a shrine with an offering).

(b) By reason of its subject, a vow is either *singular* (*i.e.*, made by a physical person) or *common* (*i.e.*, made by a moral person or community).

(c) By reason of its duration, a vow is either *temporary* (*e.g.*, a vow taken for one year) or *perpetual* (*i.e.*, a vow taken for life).

(d) By reason of its manner, a vow is either *absolute* (*e.g.*, an unconditional vow of chastity) or *conditional* (*e.g.*, a vow to go on pilgrimage, if one recovers one's health; a vow to enter religion, if parents consent). A conditional vow is either *non-penal,* as in the example just given, or *penal,* in which the promise is that one shall undergo a penalty if fault is committed (*e.g.,* a vow to say the Rosary every time one uses profane language, to fast every time one becomes intoxicated, to give alms every time one is dishonest).

(e) By reason of its form a vow is either *express* (*i.e.,* externally manifested by words or other signs) or *tacit* (*i.e.,* externally assumed by reason of some office to which it is annexed, as when one takes the subdiaconate in the Latin Church, to which is attached the duty of celibacy). The express vow in turn is *explicit* (*i.e.,* manifested by signs that immediately express the vow, as when the vower mentions poverty and chastity) or *implicit* (*i.e.,* manifested by signs that express another vow which includes the implicit vow, as when the vower mentions only obedience according to the rule, but the rule includes the other two vows of poverty and chastity). An explicit vow is either *determinate* (*i.e.,* one in which the thing promised is definitely indicated, as when one vows a pilgrimage) or *disjunctive* (*i.e.,* one in which the vower promises to perform at his will one or more out of a number of things indicated, as when he vows either to make a pilgrimage or to perform a fast).

(f) By reason of its position before the Church, a vow is either *private* (*i.e.,* one made without the intervention or acceptance of the Church, as when a person in danger of shipwreck makes a vow for his safety) or *public* (*i.e.,* one made before the Church and accepted in its name by an ecclesiastical superior, as in the essential vows made in approved Orders and Congregations). The public vow is either *simple* (*i.e.,* one taken in religion after the three years of novitiate) or *solemn* (*i.e.,* one taken in religion after three years of the simple vows and the vow of chastity taken in the reception of subdiaconate). The Society of Jesus has special regulations in the matter of simple and solemn vows.

**2193. Vows in Canon Law.**—The canonical dispositions in reference to vows in general will be found in Canons 1307–1315, while religious vows are treated in the section on religious (Canons 492 sqq.), and the effects of vows on matrimony are declared in Canons 1072, 1073, 1058. A fuller treatment of the canonical aspects of vows than can be given here will be found in commentaries on these parts of the Code.

**2194. Distinction between Solemn and Simple Vows.**—Is the distinction between a solemn and a simple vow one of divine or one of ecclesiastical law?

(a) As to accidental solemnity (*i.e.*, the conditions of time, place, age, fitness, rubrics, etc.), the solemn vow depends on the Church, for there is no doubt that the Church has the right to determine these matters as circumstances may require. Hence, the Church may appoint conditions for the validity of a solemn vow, and she may also change these conditions as she sees fit.

(b) As to the essential solemnity (*i.e.*, the internal characteristic that distinguishes the solemn from other vows), the solemn vow depends, not on the law of the Church, but on the divine law, since, unlike other vows, it is not a mere promise of acts, but an irrevocable giving over to God of one's person itself and an internal spiritual consecration or espousals accepted by the Church. This is denied, however, by some authorities, who place the difference between the solemn and the simple vow in the different juridical effects which they produce in Canon Law, the solemn vow making acts opposed to it invalid and the simple vow rendering opposed acts illicit, but not invalid (see Canon 579). All agree that the Church may for just reasons dispense even in solemn vows.

**2195. Knowledge and Deliberation Necessary for Valid Vow.**—In the intellect of him who takes a vow there must be such knowledge and deliberation as are required for making an important contract, for he who takes a vow assumes a grave obligation (see **1883**). The rule given by many is that the deliberation which suffices for a mortal sin suffices also for a vow, but this does not appear to be exact, since a mortal sin may be committed when there is only a confused perception of the gravity of the sin (see **177**).

(a) Thus, a vow is invalidated by substantial ignorance or error (*e.g.,* Titus, thinking his gold watch is brass, vows to give it as an alms; Balbus, thinking that a distant sanctuary is not very far off, vows to make a pilgrimage to it; Claudius, being wrongly informed that his father is sick, makes a vow to go on a pilgrimage for his father's recovery), but not by ignorance or error that is merely accidental (*e.g.*, Sempronius, thinking that a sanctuary which is four miles away is only three miles distant, vows to go there on pilgrimage, but he would have made the vow, even though he had known the true distance; Caius, intending chiefly to perform an act of religion, and secondarily to visit a friend, vows a pilgrimage to a neighboring town, not being aware that the friend has moved elsewhere). The vows of religion, according to the common opinion, are not invalidated on account of ignorance or error about accidentals, even though the vows would not have been taken had these accidentals been known; for the common good demands that the religious state, like the married state, have stability, and that those who enter it intend to accept all the obligations that go with it.

(b) A vow is invalidated by the absence of full deliberation (*e.g.,* vows made by children who have not the perfect use of reason, by persons who are only half-conscious or who are delirious or laboring under a hysterical delusion or fixed idea, by persons who act on the impulse of the moment without full advertence to the import or force of the vow), but not by the absence of long or studious deliberation (*e.g.,* a vow is valid if one has thought over its meaning and obligation, even though one has done this hurriedly and without reflection on the details and has regretted the vow soon after its pronouncement).

**2196. Freedom of Will Necessary for Valid Vow.**—In the will of the person who takes a vow there must be freedom of choice, and the absence of such impediments as take away self-determination or consent.

(a) Thus, the natural law itself invalidates a vow made under force or under such fear as takes away the power of giving due deliberation to the vow.

(b) The natural law, according to many, invalidates a vow made under fear that is grave (though not disturbing to the reason), and that is produced unjustly and with a view to coerce one into making the vow. The reason for this opinion is that God cannot accept a promise to Himself caused by injustice, nor can one be held to a promise made under unjust pressure.

(c) The positive law (see Canon 1307, § 3) invalidates a vow given under grave and unjust fear. Many canonists interpret this law as meaning that even when the unjust fear is not employed as a means to force one into taking the vow, but does in reality cause one to take the vow, the promise is null in both forums in virtue of Canon Law.

**2197. Cases in Which Fear Does Not Invalidate a Vow.**—(a) All admit that fear does not invalidate when it proceeds from a natural cause (*e.g.*, vows made during a storm at sea) or an internal cause (*e.g.*, vows made under the influence of fear that one will fall into sin without the protection of the vow); for in these cases one chooses a lesser burden to avoid a greater one, and the thing chosen is involuntary, not simply, but only in a certain respect (see **44**).

(b) It is commonly admitted that fear does not invalidate when it proceeds from an external and just cause (*e.g.*, if a guilty person were threatened with the penalties of law unless he vowed not to repeat the offense), since the cause of the vow is then internal rather than external, namely, the guilt of the person who takes the vow and his wish to evade punishment.

**2198. Vows of Doubtful Validity.**—In the following cases it is disputed whether fear invalidates a vow.

(a) It is disputed whether fear unjustly caused invalidates in the forum of conscience when it is light (*e.g.*, Titia constantly importuned by her parents to enter religion makes a vow to follow their wishes). Some answer in the negative, because a fear that is slight both in itself and in its influence on the vower cannot be considered as the real cause of the vow. Others answer in the affirmative, because light reasons do move persons to take grave steps, and it is not reasonable to think that God will accept a vow brought on by unjust, though light, fear.

(b) It is also disputed whether grave fear unjustly caused invalidates, when the person who causes the fear intends to force the vower, not to the vow, but to something else (*e.g.*, Balbus threatens to kill Caius unless the latter pays a large sum of money, and Caius vows to give the money to religion if he escapes the danger). Some hold for the affirmative and refer to Canon 1307, mentioned above. Others hold for the negative because the vow is taken, not to accommodate the aggressor, but to honor God and benefit self. This is the interpretation given the pre-Code legislation. Still others distinguish, affirming invalidity for the case in which fear is the cause of the vow and denying invalidity for the case when fear is only the occasion of the vow.

**2199. The Intention Necessary for a Valid Vow.**—As was said in the explanation of the definition, a vow must include a will to bind oneself, that is, the intention to make a vow.

(a) The object of this intention is the obligation itself, not its fulfillment. Hence, he who makes a vow, but intends not to oblige himself, vows invalidly; for he has two contrary intentions and (unless the intention to vow is stronger) the substance of the vow is excluded. On the contrary, he who makes a vow, intending not to fulfill it, vows validly but illicitly, since he really intends to oblige himself, but he sins by his purpose not to keep his vow (see **1883**).

(b) The quality of the intention must be such that the character of the vow as a deliberate act and a sincere agreement to obligation will be preserved. Hence, an habitual intention (*e.g.*, Claudius intending to take a vow on the morrow pronounces the words of promise while asleep) does not suffice, because the act made with such an intention is not deliberate or human. Likewise, an external intention (*e.g.*, Balba forced by her parents to enter a nunnery takes the vows, intending only the external rite) and an indirect intention (*e.g.*, Sempronius, foreseeing that if he drinks certain liquors he will bind himself by vow to a number of things, takes the drinks and makes the vows) are not sufficient, because with them there is no real agreement to obligation. On the other hand, it suffices to have an actual but implicit or tacit intention (*e.g.*, Titus receives subdeaconship intending the obligations annexed to the office, but not knowing that celibacy is a duty vowed by subdeacons), or a virtual intention (*e.g.*, Caius intended to make religious profession, but at the moment of pronouncing the vows he is distracted and gives no attention to the words), for in either case there is a human act and real agreement to obligation (see **2164, 2165**).

**2200. The Matter of a Vow.**—(a) A vow is a free promise, and hence its matter must not be something necessary. (b) A vow is made to God, and hence its matter must not be something that is not pleasing to Him.

**2201. Vows that Promise Something Necessary.**—(a) If the necessity is absolute, because a certain thing must be or cannot be, a vow is invalid. A vow to die is null, because death is a necessity; a vow to avoid venial sin, deliberate and indeliberate, is null, because it is impossible without a special privilege from God to keep such a vow; a vow that one's child shall enter religion is also null, because one has no power over that which depends on the will of another. The vows made by communities do not oblige their successors or posterity as vows, but only as laws or customs having the force of law, or as contracts to which agreement is given, etc.

(b) If the necessity is hypothetical, because a certain thing must be done or omitted if one is to observe the natural or positive law, the vow is valid. For though it is necessary to observe a commandment (*e.g.*, to avoid intoxication), it is not necessary to add to the existent obligation the new obligation of religion. The most suitable matter for a vow, however, is something that is of counsel, but not of precept, for example, to practise celibacy.

**2202. When Fulfillment of Vow Is Only Partly Possible.**—(a) If the vower intended that his promise should be an entire one obliging him to fulfillment of all the items, the vow is invalid, since its fulfillment as intended is impossible. Thus, if one vowed to go on foot to a place of pilgrimage but was unable to accomplish the journey on foot, or vowed to go to Rome and became unable to go the full distance, there would be no obligation.

(b) If the vower intended that his promise should be severable, the difficulty can be settled as follows: he is held to nothing if the matter is severable but the principal part impossible (*e.g.*, if he vowed to go on a pilgrimage and also to go barefooted, he is not bound to go barefooted an equal distance if the pilgrimage becomes impossible). He is held to the part that is possible, if it is really severable and was intended as the principal part of the vow (*e.g.*, if he vowed to go on a pilgrimage and to go barefooted, but is unable to go barefooted).

(c) If the intention of the vow-maker is uncertain, it seems he is held to perform what is possible (*e.g.*, if one has vowed to pay for the erection of a church but becomes unable to pay for more than a part of the expense); but if there is a good reason to presume that he intended an entire vow, or a severable vow whose chief part has become impossible, one may decide the doubt in the sense of that presumption (cfr. **465**).

**2203. Vows that Promise Something Displeasing to God.**—(a) Vows that promise what is always evil (*e.g.*, to steal) are invalid and, on account of the irreverence, gravely sinful, at least if the sin promised is mortal. (b) Vows that promise something that may turn out either evil or good (*e.g.*, Jepthe's vow to immolate the first living being that came before him) are imprudent, and should not be kept as to the part that is sinful.

**2204.** What should be said of vows that promise something good, but that have an evil end or other evil circumstances?

(a) The vow is invalid and illicit if the evil circumstance affects the thing promised itself, so that the fulfillment of the vow must be sinful, for example, when one promises to give an alms in order to seduce the recipient into sin or to build a church in order to gratify pride or spite. Similarly, invalid and illicit are vows made to obtain something evil (*e.g.*, the vow of an alms in order to obtain success in a robbery) or to render thanksgiving for success in evil already done (*e.g.*, the vow to give God half the booty taken in robbery); for such vows can not be fulfilled without the implicit protestation that God is the author of sin.

(b) The vow is valid but illicit if the evil circumstance affects only the act of vowing; for the thing promised is good and is to be performed properly, but the disposition of the vower is not free from sin as he makes his promise. It should be noted, however, that the evil circumstance does not always deprive the act of vowing of substantial goodness (see **78**). Thus, if one vows to build a church and the sole motive for making the vow is the applause one will receive, the vow is substantially illicit; but if vainglory is only a secondary motive, the vow is substantially licit.

(c) The vow is valid and licit if the evil circumstance affects neither the act promised nor the act of vowing, both of these being good. Thus, it is lawful to vow an alms for every time one yields to a sinful habit. It is also lawful to vow an offering to God if one escapes unhurt from a duel, for such a vow does not ask God to bless the duel but to protect one's life.

**2205. Vows that Promise Something Indifferent.**—(a) These vows are invalid if there is no circumstance to make the promise honorable to God (*e.g.*, if one promises to save up a certain percentage of one's earnings each month). The sin committed by those who vow necessary, impossible or indifferent things, does not seem to exceed venial fault *per se*, for the vow is illicit, not because its matter is evil and displeasing to God, but because it is not good and pleasing to Him. The sin seems to be one of levity rather than of irreverence.

(b) These vows are valid and lawful if there is a circumstance that makes the indifferent subject-matter honorable to God (*e.g.*, if one vows to save up so much each month in order to practise frugality, or to set aside means for some charitable or pious cause).

**2206. Meaning of a Better Good.**—It is also necessary for validity of a vow that the thing promised be a better good; for this is the will of God, our sanctification (I Thess., iv. 3), and the vow is made to God.

(a) By the better good is not meant that which has no good superior to it, for then one could vow only the most excellent good, which is not true.

(b) By the better good, then, is understood that which is preferable to its contrary good (*e.g.*, virginity is better than marriage), that which is absolutely or objectively preferable to its contradictory (*e.g.*, it is better to give an alms than not to give one, it is better to keep the law of fasting than not to keep it), that which is relatively or subjectively better than its contradictory (*e.g.*, it is better to marry than to commit fornication, or live in concubinage, or give scandal, or leave children illegitimate). Generally, however, it is not advisable to vow matrimony, for, even if the vow is not invalid, it seems to have little advantage. If a person thinks marriage is better for him, let him take the marriage vows or engage to marry the woman of his choice.

**2207. Vows Invalidated by Promise of Lesser Good.**—(a) The vow to do what is less pleasing to God (*e.g.*, never to make a vow, never to embrace a counsel) is invalid *per se*. There may be cases, however, in which a vow of this kind would be better and therefore valid (*e.g.*, when a person who is prone to making vows is bidden by the confessor to make no other vows without advice).

(b) The vow to do what may easily become less pleasing to God also seems to be invalid. Thus, if one were to make a vow to play no more games in order to give more time to prayer or to avoid temptations, the vow might later be a cause of spiritual harm, for at times it is more pleasing to God to take recreation than to abstain from it.

**2208. Case in Which One Has Taken Two Opposite Vows.**—(a) If the vows are equally good, or if it is doubtful which is better, the first prevails; the second being impossible does not oblige. (b) If the second is certainly better, it prevails, and the first does not oblige, being impossible. Thus, if one has first vowed to go on a pilgrimage and next to stay at home and attend the sick during an epidemic, the pilgrimage should not stand in the way of the more urgent good of caring for those in distress.

**2209. The Obligation of a Vow.**—Every valid vow obliges to fulfillment, for it is a promise, and loyalty to promises is a moral duty. Scripture declares that one must pay one's vows, and that it is better not to vow than to vow and not fulfill (Eccles., v. 4), that God will hold as sin the neglect of a vow (Deut., xxiii. 21), that a faithless promise displeases Him (Eccles., v. 3).

(a) *The Quality of the Obligation.*—A vow is an act of religion, since it promises to God a tribute of honor, even though the thing promised (*e.g.*, a fast, virginity) does not belong to worship but to some other virtue. Hence, the violation of a vow is a sin against fidelity and also against religion. But it seems that sacrilege is committed only by sins against certain vows, namely, those whose matter is a sacred thing dedicated to God; for example, the violation of the vow to fast would not be sacrilegious, while the violation of a public vow of chastity is a sacrilege. All transgressions of vows, as such, are sins of the same species, namely, sins against religion.

(b) *The Quantity of the Obligation.*—A vow, as being a duty of religion (see **2146, 2148**), obliges under grave sin. But in an individual case the sin committed may be only venial on account of lightness of matter or imperfection of the act.

**2210. Gravity of the Obligation of a Vow.**—A vow has the nature of a private law, since it is an obligation which the vow-maker voluntarily imposes on himself. But a law obliges under grave sin when the subject-matter itself and the intention of the lawgiver require strict obligation (see **381 sqq.**). Hence, gravity of matter in a vow depends on the great importance of the thing vowed and on the will of the vower to assume a grave obligation.

(a) Thus, the thing vowed must be of great importance, either in itself (*e.g.*, chastity) or from its relation to divine worship (*e.g.*, a fast, a communion). One cannot oblige oneself to a grave obligation under a vow whose matter is absolutely and relatively of minor importance (*e.g.*, a daily Hail Mary, an alms of twenty-five cents; see **382**).

(b) The intention of the vower must be to bind himself under grave sin. He is free not to oblige himself by vow at all, and hence, should he elect to vow, he may bind himself, even though the matter of the vow is of great importance, either under grave or under light sin (or only to penalty), as he wishes. Exception must be made, however, for public vows taken in religious institutes and for the vow of chastity and celibacy taken in the reception of subdeaconship, for the law of the Church on account of the public good decrees that these vows oblige under grave sin.

**2211. Rules for Determining What Is Important Matter in a Vow.**—(a) In personal vows, an act of omission may be made the subject of grave obligation, if it may be made the subject of grave precept by the Church (*e.g.*, the hearing of Mass, Confession, Communion, a fast or abstinence, a Rosary).

(b) In real vows, some fix grave matter according to the standards for commutative justice (see **1896 sqq.**). But such a rule seems unsuitable. The amounts absolutely and relatively grave in theft are determined by the wealth of the person stolen from, but, since God is owner of all things, we do not see how those amounts could be fixed in reference to Him. On the other hand, the duty of religion obliges more strictly than that of commutative justice, and hence it does not seem that grave matter should be the same for both. In practice, the matter is not grave when it is quite inconsiderable (say less than a dollar), or when the vower intends only a light obligation. If the matter is not inconsiderable and the intent of the vower is uncertain, one may decide as to the obligation of the vow from presumptions based on custom, the circumstances of the vow, or the rule that grave obligation is not to be taken for granted (see **709, 714, 659**).

**2212. Coalescence of Light into Grave Matter.**—(a) If the vower has determined the relation of the items of the vow one to another, coalescence can be judged from his intention. Thus, if the vower intends that the items shall be parts of one whole, there is coalescence (*e.g.*, if he vows to give five cents in alms daily and neglects this for a year, there is grave sin); but if he intends the items as separate promises, there is no coalescence (*e.g.*, if he vows to say a Hail Mary every day and neglects this for a year, there are many venial sins). If some of the items have been performed, others omitted, and the omissions coalesce, there is grave sin according to some as soon as a notable quantity is reached, but others believe that there is grave sin only when a notable percentage (say one-third or one-fourth) of the matter vowed has been neglected.

(b) If the vower has not determined the relation between the items of the vow, the presumption as a rule favors coalescence in real vows, non-coalescence in personal vows (as in the examples of a vow to give five cents daily and of a vow to say a Hail Mary every day). But there are exceptions, as when one vows to give a small alms every Saturday in honor of the Blessed Virgin, for the chief intention in this case may be to show respect to the Mother of God and not to give a certain amount to the poor.

**2213. The Time When a Vow Obliges.**—(a) A negative vow (*e.g.,* not to drink certain intoxicants) obliges at once and always (see **371**).

(b) An affirmative vow to which the vower has annexed a time for fulfillment obliges at the time determined. If the time was intended as a principal circumstance (*e.g.,* a vow to say the Rosary on the Feast of the Assumption), the vow ceases with that time, even though performance was culpably neglected; but if the time was intended only as a secondary circumstance (*e.g.,* a vow to go to confession next week made by one who needs it badly), the vow continues in force even after the time set has elapsed without fulfillment (see **468 sqq.**). Anticipation of fulfillment on account of inability to fulfill at the time appointed in the vow, is not necessary, unless the vow was attached to a certain space and cannot be fulfilled in the latter part of this space; for example, if one has vowed to say the Rosary today and foresees that the whole afternoon will be occupied, one should say the Rosary in the forenoon (see **470, 471**).

(c) An affirmative vow for which the vower has fixed no special time should be accomplished as soon as this can be conveniently done, for such is the rule in every absolute promise, and, moreover, no better time for fulfillment can be assigned; "When thou hast made a vow to the Lord thy God, thou shalt not delay to pay it, because the Lord thy God will require it. And if thou delay it shall be imputed to thee for a sin'' (Deut., xxiii. 21).

**2214. Delay in Fulfilling Vow.**—Sin may be committed by delaying to keep a gravely obligatory vow for which no date was set.

(a) There is no sin if the delay is reasonable in view of the subject-matter of the vow (*e.g.,* to put off a Rosary or fast for two or three days, a pilgrimage of 50 miles for a week, a pilgrimage of 1000 miles for several months, etc.) or of the circumstances (*e.g.,* if one has to delay entrance into religion until one has better health or has closed up a business).

(b) There is venial sin if the delay is unreasonable but does not notably diminish what is promised or endanger its fulfillment. Thus, a Rosary, a fast, or a pilgrimage is as good next year as this year, and, apart from danger of forgetting or omitting, no lapse of time seems to constitute a notable delay in respect to such obligations.

(c) There is mortal sin if the delay is unreasonable and notably depreciates what is promised or notably endangers performance of the vow. Thus, to put off the fulfillment of a vow to enter religion lessens the value of the thing promised, if one waits until old age; it imperils the promise, if one remains in the world for several years exposed to the danger of losing vocation. Moralists hold that three or four years would be a considerable delay in reference to a vow to enter religion.

**2215. The Person Obliged to Fulfill a Vow.**—(a) A personal vow obliges only the vower, because by its nature a vow is a law which one imposes on oneself (see **463, 1696, 188**). But vows taken by a city or community may be obligatory on the subjects in virtue of law, and vows taken by ancestors may oblige posterity in virtue of lawful and obligatory custom. (b) A real vow (and a mixed vow as to the part that is real) obliges also the heirs, for this kind of vow is a debt of the vower's estate (see Canon 1310). The obligation of the heirs is one, not of religion, but of justice, and they are not held beyond the resources of the estate.

**2216. The Manner of Fulfilling a Vow.**—(a) *As to Internal Disposition.*—It is not necessary that one have at the time of fulfillment the purpose of fulfillment, provided there is no intention exclusive of that purpose, for the vow binds one only to do what was promised (cfr. **477**). Hence, if one has vowed to hear Mass and then hears a Mass out of devotion, not thinking of the vow, one may take this assistance at Mass as a satisfaction of the vow.

(b) *As to External Performance.*—If a vow is personal, one must perform it personally, for one's own act was promised, and hence, if personal performance becomes impossible, it is not necessary or valid to use a proxy; if a vow is real, one may use goods given by others, but one is not obliged in case of poverty to seek the goods of another, since one's own goods were promised.

**2217. The Obligation of Certain Kinds of Vows.**—(a) *Conditional Vow.*—The vower is not obliged by the vow unless the condition is fulfilled, and this is probably true even when the condition is equivalently, but not formally, fulfilled (*e.g.*, Titus, who has to support his mother, vows to enter religion as soon as she contracts marriage, but the mother unexpectedly dies and Titus is thus freed of her support). The vower is not guilty of sin against the vow if he prevents the fulfillment of the condition, unless he uses unlawful means. Such means are not employed if one is not obliged to fulfill the condition (*e.g.*, a vow to pay an alms of $10 if one gets drunk), or if non-fulfillment is due to weakness, not to the purpose to defeat the vow (*e.g.*, a vow to pay an alms of $100, if one remains sober for a year, when the vower becomes intoxicated accidentally or through frailty before the year is up), or if non-fulfillment is due to the exercise of one's right (*e.g.*, a vow to enter religion if one's parents consent, when the vower in lawful ways persuades his parents not to consent). The vower is guilty of sin against the vow, if he uses unlawful means to prevent the condition's fulfillment (*e.g.*, if he gets drunk purposely in order to evade the alms promised for sobriety, or if he uses fraud or force to keep his parents from consenting to a vow which he has made dependent on their consent).

(b) *Penal Vow.*—The vower is not obliged by the vow if the act against which the vow is made is committed by him but is not sinful (*e.g.*, Claudius vowed not to play cards, but on a certain occasion did play after having received a dispensation), or is only materially sinful (*e.g.*, Balbus vowed not to use profane language, but on a certain occasion did use such language inadvertently), or is not sinful against the vow, at least if the penalty is for violation of the vow (*e.g.*, Caius vowed not to quarrel under penalty of an alms for breaking the promise, but on a certain occasion did quarrel, adverting to the sin against charity, but not to the vow), or is venially sinful on account of the imperfection of the act, at least if the penalty is grave. If the vower has not determined the number of times the penalty is to be paid, it seems that it should be paid only after the first fault, if the penalty is grave and one that is not customarily repeated (*e.g.*, a distant pilgrimage, a large alms), but should be repeated after every fault if the penalty is slight and one that is customarily repeated (*e.g.*, a decade of the Rosary, a small alms).

(c) *Disjunctive Vow.*—The vow is null if one of the objects to be chosen from is evil, vain or impossible (*e.g.*, a vow either to earn or to steal the money for an alms). The vower is held to nothing if before his choice one of the things to be chosen from has become impossible (*e.g.*, Claudius vows to give one or the other of two chalices he owns, but before he makes his choice one of the chalices is stolen), or if after his choice the thing chosen becomes impossible (*e.g.*, Claudius decided to give the larger of two chalices, but before he could give it, it was stolen). The vower is held, however, if one of the things to be chosen from has become impossible before choice through the vower's own fault (*e.g.*, Claudius' chalice was stolen before his choice because he had culpably delayed to make a choice), or if the thing not chosen has become impossible after the choice (*e.g.*, Claudius decided to give the large chalice and the small one was stolen afterwards).

(d) *Doubtful Vow.*—Doubts about the *essentials,* that is, whether a vow was really made (*e.g.,* whether it was a vow or only a resolution, whether there was the requisite intention or deliberation, whether the vow was invalid on account of fear, etc.), or whether a vow certainly made was fulfilled, must be settled according to the principles for directing a doubtful conscience (see **672 sqq.**). Thus, if it is more probable that a vow was made or that a vow was not fulfilled, the decision must be for obligation according to the Probabiliorists; but if there remains a positive doubt whether only a resolution was made, or whether a vow was fulfilled, there is no obligation according to the Probabilists. Doubts about *accidentals,* that is, whether a vow was of this kind or that (*e.g.,* the circumstances of quality, quantity, number, etc.), must be settled according to reasonable rules of interpretation of the mind of the vower.

**2218. General Rules of Interpretation of Doubtful Vows.**—(a) Private vows must be interpreted according to the expressed or presumptive intention of the vower, for a vow is a private law, and the vower the lawmaker. (b) Public vows must be interpreted according to the sound doctrine of approved authorities on theology and Canon Law.

**2219. Special Rules for Interpreting the Mind of the Vower.**—(a) A doubtful vow should be interpreted from internal evidence, that is, from the language of the vow itself and the significance usually attached to the terms used, for the presumption is that the vower meant to express himself in the ordinary speech used for vows. Thus, a vow of "virginity" usually means the same as a vow of "chastity," and should be so understood unless there is reason for a stricter interpretation. The language of a vow is to be understood in the light of the purpose of the vower (*e.g.,* a vow to give a chalice to a church does not mean a glass chalice, since the Church employs only chalices of precious metal); a vow to hear Mass daily does not mean that one must hear two Masses on Sunday, since the purpose of the vow is to let no day pass without assistance at Mass.

(b) A doubtful vow that cannot be sufficiently construed from internal evidence should be judged from general presumptions, that is, from the custom as regards the vow taken (*e.g.*, one who vows an alms is understood to promise the amount that others in his condition promise), from the custom or law as regards the matter of the vow (*e.g.*, one who vows a perpetual fast is understood to promise a fast on days other than Sundays and holydays, for the church law distinguishes between fast days and feast days), from the rules governing the interpretation of laws (*e.g.*, since things odious are to be of strict interpretation, he who vows to give something may himself determine what he wishes to give, provided it is not ridiculously small), from the conditions that are implied in every vow as to possibility, the rights of others, change in circumstances, etc. (*e.g.*, he who promises to become a religious means that he will do so, if a Religious Order will accept and keep him; he who promises a gift means that he will give without prejudice to the claims of third parties, etc.).

**2220. The Advantages of Vows to the Vowers.**—(a) A first advantage is that a vow strengthens the will of the vower to do good and avoid evil. This is an important advantage, since human nature is so weak and inconstant and so much in need of helps that will add resolution and perseverance to its efforts. The vow is a promise binding not only in honor but also as a religious duty, and an act that has a special claim on divine assistance and a favorable answer, and hence it is a powerful ally to a virtuous life. True, he who takes a vow is subject to greater sin if he is unfaithful. But there is no good that has not some risk attached to it, and the risk here is due, not to the vow itself, but to the weakness of the will which may use it improperly. The person who thinks only of the dangers of storms will neither sow nor reap (Eccles., xi. 4).

(b) A second advantage is that a vow makes the good done more meritorious and praiseworthy. It adds to the virtue practised (*e.g.*, abstinence) the virtue that directs (*viz.*, divine worship or religion, the most excellent among the moral virtues); it offers God a more perfect subjection, since it presents to Him, not only a single act here and now, but the power itself of the will to do the opposite; it acts from a greater resolution and firmness, a circumstance that gives perfection to virtue. All this should be understood *per se,* or with the qualification "other things being equal"; for if we suppose that a person who has no vow serves God with great charity and fervor, there is no doubt that he is better before God than one who has vows and performs them carelessly and reluctantly.

**2221. When a Good Vow May Be Sinful.**—A vow good in itself may be sinful or the occasion of sin on account of the dispositions of the vower.

(a) Thus, in taking vows one commits sin if one acts imprudently in not taking into consideration the circumstances. Hence, before making a vow one should consider carefully and consult one's confessor or director or some other prudent man.

(b) After taking vows one commits sin by regrets, if these regrets include the desire not to comply with obligations (*e.g.,* when one regrets having lived up to a vow in the past or intends not to live up to it in the future, or when one keeps the vow only from human motives and wishes one could violate it), or if they manifest ingratitude towards God (*e.g.,* when one regrets without good reason that one ever took the vow). The sin committed by desire not to comply with obligation is mortal or venial according to the nature of the obligation; the sin of ingratitude is venial. There is no sin at all, it seems, if for a reasonable cause one regrets having made a vow or wishes there were no obligation to perform something of supererogation that one vowed, unless by such wishes one is exposed to temptations and the danger of sinning against the vow.

**2222. Merit of Fulfilling a Vow that One Regrets.**—If one regrets having made a vow but intends to keep it, is the good work performed better by reason of the vow?

(a) If the intention to keep the vow is prompted by a religious motive (*e.g.,* the desire to please God or the fear to offend Him), the good work is more meritorious than if there were no vow, for it has the double value of an act of religion and of an act of some other virtue, of a good work done and of a vow to do it.

(b) If the intention to keep the vow is prompted by a human motive (*e.g.*, the desire to please some human person or to secure some temporal benefit), the good work is not made more meritorious, but indeed is not meritorious at all, since not done for God's sake.

**2223. Who Can Make a Vow?**—Every person living in the state of mortal existence, whether Catholic or non-Catholic, is able to take a vow, unless there is an impediment of natural or positive law.

(a) Natural law excludes vows made by those who are not masters of their own acts or who have not the use of reason; for, since a vow is a law which one knowingly places on oneself, it cannot be made by those who have not the right of disposition over their acts or who do not understand the meaning of the obligation. Hence, religious and other subject persons are restricted as to the right of making vows, while infants and insane persons are utterly incapable of making a vow.

(b) Positive law of the Church has laid down certain conditions for the validity of public vows (*e.g.*, age, performance of the novitiate, etc.); and hence those persons in whom the conditions are not found are incapable of taking these vows. The power of binding and loosing has been given the Church, and the regulations on public vows exercise this power for the benefit of the Church as a whole and of the persons who take vows. As to private vows, it is a matter of dispute whether the Church has the power to appoint conditions for them, since they are internal acts (see **426**), but it seems that no such conditions have ever been made.

**2224. Twofold Dependence on the Will of Another.**—Those who are not masters of their own acts are unable to vow on account of their subjection to or dependence on the will of another. There is a twofold dependence of this kind.

(a) There is a dependence of the will of the subject, as in the case of religious who have vowed obedience to their rule and superiors, and in the case of those who have not attained the age of puberty and who must be guided and ruled by their father or guardian. This dependence means, not that the subject must have the positive consent of the superior for every act, but that he must not will or do anything contrary to the just will of the superior.

(b) There is a dependence of the matter of the vow, when it is subject to the wishes of another person, as happens in the case of those who have obligations to others. Thus, a wife cannot make a vow of chastity without the consent of her husband, otherwise she infringes upon conjugal rights; a servant cannot make a vow to spend in visiting churches time for which he is paid; a son who lives with his parents and is not emancipated cannot vow to give his earnings in alms, for he owes them to his family.

**2225. The Validity of Vows Made by Subjects.**—(a) If the vow is against the rights of another person, it is invalid without his consent. Thus, if a wife makes a vow of chastity without her husband's consent, the vow obliges her to ask his consent, but it has no force if he refuses his consent.

(b) If the vow is against the subjection due another, it is invalid if he denies his consent. Thus, if a religious vows an act for which according to his rule permission must be sought, the vow has no actual force until the permission is obtained; if he vows an act that is good in itself, but absolutely forbidden in his rule (*e.g.*, if a novice bound to remain in the cloister vowed to go on a pilgrimage), the vow is null, since it is better to keep the rule.

(c) If the vow is neither against the right of another nor against the subjection due, it seems that the vow is valid without the knowledge and consent of the superior. Thus, if a religious privately vows to do what is commanded in a particular law or rule, or what is counselled by his superiors, or what is good and not forbidden, the vow is valid until annulled by the superior; for, as was said in the previous paragraph, the subject is not bound to have the positive consent of his superior for all acts, and it is supposed now that the thing vowed is not detrimental to the rights of the superior or others.

**2226. Cessation of Vows.**—Since a vow is a private law, it may cease, just as a law ceases in certain cases (see **500 sqq**).

There are, therefore, two ways in which a vow ceases or ceases to oblige.

(a) The vow ceases from within, or from internal causes, when the matter of the vow has so changed as to be detrimental or useless, or the purpose of the vow is no longer served by the vow. For the nature of a vow is that it promotes a better good to the greater glory of God. It is clear also that a temporary vow ceases when the time limit fixed to it has expired, and that a conditional vow ceases if the condition is not fulfilled (*e.g.*, one vows an alms of thanksgiving if one's mother recovers from sickness, but she dies).

(b) The vow ceases from without, or from external causes, when it is removed or suspended by the authority of God to whom it was made (dispensation) or by the authority of one who has power over the will of the vower or over the matter of the vow (annulment), or even by the authority of the vower himself in so far as belongs to him the right to substitute some equal or better work for the work vowed (commutation).

**2227.** Public vows do not cease from intrinsic causes, for this would be productive of many disadvantages to religious communities and to those who take vows in them. The chief cases in which private vows cease for internal reasons are as follows:

(a) They cease on a substantial change in the thing promised, for then the subject-matter has become morally different. There is a substantial change if the matter of the vow has become illicit (*e.g.*, Titus vowed an alms to a beggar, but he learns that the beggar will use the alms to become drunk), or if it has become useless (*e.g.*, Claudius vowed not to visit a certain house on account of the bad language used there, but the guilty parties have now moved away), or if it has become an obstacle to a greater good (*e.g.*, Balbus vowed to go on a pilgrimage, but an epidemic has broken out and it is better for him to remain home and care for the sick), or if it has become impossible (*e.g.*, Sempronius vowed to give an alms, but lost his money and cannot afford to keep the promise). Some also think there is a substantial change when circumstances are so different that, had the vower been able to foresee them, he would not have taken the vow.

(b) They cease on the disappearance of the principal reason that induced the vower to make his promise. Thus, if Caius vows a sum of money to an institution solely because it is poor and it becomes wealthy before he has fulfilled his vow, his obligation is at an end (see Canon 1311).

**2228. Annulment of Vows.**—The annulment of a vow is made in two ways, directly and indirectly. A full treatment of this subject will be found in commentaries on Canons **1312, 499, 88, 89, 675, 501.**

(a) Direct annulment is the operation of a person distinct from the vower which, by affecting immediately the vower's act, recalls the vow and makes it of no force. Hence, this kind of annulment may be exercised by all those who have such private authority over the will of the vower so as to be able either to confirm or to cancel his acts. Private authority over the will of another is contained in the paternal power of the father over his children, in the domestic power of the husband over his wife, and in the governing power of a religious superior over his subjects. The paternal power may be exercised to annul the vows of children (at least, of those who have not reached puberty), since these children are incompetent to decide for themselves. The governing power also may annul directly the private vows of professed subjects made after profession, since these subjects have made a quasi-contract of submission in this matter. The domestic power of the husband, according to some, cannot directly annul the post-matrimonial vows of the wife, since the wife is competent to direct herself in these affairs, and has made no engagement of subjection in their regard; but others argue that at least positive law (Num., xxx. 2–17; Eph., v. 24) gives the husband this authority. The paternal power in this matter is had, not only by the father, but also by those who take his place (such as the guardian or the mother); the governing power is had by religious superioresses, by immediate and other regular superiors, by bishops in reference to their non-exempt communities, and by the Pope in reference to all communities.

(b) Indirect annulment is the operation of a person distinct from the vower which, by affecting the matter or object of the vow, suspends the obligation produced by the vow. Hence, this kind of annulment may be exercised by all those who have a right over the matter of the vow, when and as long as the vow is prejudicial to their right. Thus, the Pope may annul a vow of any of the faithful that is detrimental to his rights or the rights of the Church; parents may annul the vows even of their children who have attained puberty, when these vows interfere with family order; religious superiors may annul the vows of novices that are harmful to religious discipline; husbands and wives may annul each other's vows that trespass on conjugal rights; a master may annul a vow of his servant that keeps the servant from performing work due the master.

**2229. Reason Necessary for Annulment of a Vow.**—Is a just reason necessary for annulment of a vow? (a) For validity it is not necessary that there be a just reason, since there is always the implicit condition in a vow: "unless the superior or other person whose consent is necessary refuses." (b) For lawfulness it is necessary that there be a just reason, for it is not lawful to deprive God of honor promised Him, unless one has a good reason to do so (see Canon 1312). But the sin committed by one who annuls or who asks for annulment without sufficient reason does not regularly exceed a venial sin.

**2230. Differences between Direct and Indirect Annulment.**—(a) Direct annulment extinguishes a vow, since it affects the act of vowing itself, and hence, if a father annuls the vow of his son who has not reached the age of fourteen, the vow ceases entirely. Indirect annulment, on the contrary, only suspends a vow, since it affects only the matter of the vow and this matter may be withdrawn from the power of him who annuls. Thus, if a master annulled the vow of his cook to hear Mass daily, the vow would revive when the cook took service elsewhere.

(b) He who has power to annul directly may exercise the power even though he granted permission for the vow, or promised not to annul it, or gave his approval to it; for he retains his power over his subject and may change his own decision. But he who has only indirect power of annulment more probably may not annul once he has given his permission or ratification to a vow; for his power is only over the matter of the vow, and this, after he has consented to its dedication to God, is no longer under his control.

**2231. Dispensation.**—A dispensation is the relaxation of a vow granted in the name of God by one who has competent jurisdiction.

(a) It is a *relaxation,* that is, it removes the obligation (see **401**). Thus, a dispensation differs from a mere declaration or interpretation that a law is not binding.

(b) It is a relaxation *of the vow,* that is, the dispensation, at least in modern practice, takes away not only the obligation but also the vow itself. It is not merely a suspension or a commutation, but a total removal of the vow.

(c) It is granted *in the name of God;* that is, the dispenser acting for God remits the promise that was made to God. Thus, a dispensation differs from an annulment, for the latter is made by the annuller in his own name on account of the authority he has over the will of the vower or over the matter of the vow.

(d) It is *given by one who has competent jurisdiction,* that is, public spiritual authority in the Church over the external forum. For, as a vow is an obligation to God, it cannot be removed without the act of those whom God has appointed as His representatives in spiritual matters. Here again a dispensation differs from an annulment, for the latter requires, not the power of jurisdiction, but only dominative or domestic power.

**2232. Reasons Sufficient for a Dispensation.**—A dispensation is granted in the name of God, and therefore, unlike an annulment, it requires a just reason for its validity; for the remission of a religious promise cannot be satisfactory to God, unless there exists a justifying reason. A dispensation conceded for insufficient reasons is invalid, even though all the parties concerned were in good faith; but, in doubt, the presumption is that the reasons were sufficient. The reasons sufficient for a dispensation can be reduced to two classes: (a) the public good of the community or of the Church (*e.g.*, if a person bound by vow leads a dissolute life to the scandal of the public); (b) the private good of the vower (*e.g.*, if he finds the observance of the vow too difficult, if he took the vow without much deliberation or with such fear as is insufficient to nullify, see **2195, 2196**).

**2233. Sinfulness of an Unnecessary Dispensation from Vows.**—(a) The superior who grants the dispensation is guilty if he is certain that there is no sufficient reason for it, or if he doubts whether there is any reason for it. But he dispenses validly and lawfully, if he is certain that there is a reason for the dispensation, but doubts whether the reason is sufficient (see **407**). Usually, a superior who has been asked for a dispensation should not be anxious about his right to give it, for the very insistence of the subject indicates that the vow has become harmful or useless.

(b) The subject is guilty if he asks for a dispensation while knowing that he has no right to ask for it, or if he uses it while knowing that there was manifestly no sufficient reason for it. But in case of doubt whether the reason was sufficient, the subject should be guided by the judgment of the superior, not by his own, for the decision belongs to the superior.

**2234. Persons Who Have the Power of Dispensation.**—The Church has the power to dispense both public and private vows, for Our Lord gave this power when He said: "Whatsoever thou shalt loose upon earth, shall be loosed in heaven" (Matt., xvi. 19), and the power thus given has been exercised from the beginning (see **314**). Those who have the power of dispensation are the following:

(a) the Pope, since he is the Vicar of Christ, has the fullness of dispensing power. He may dispense from every dispensable vow, solemn vows included, and there are certain vows from which he alone may dispense. The vows reserved to the Pope or his delegate are almost all public vows and the two private vows of perfect and perpetual chastity and of entrance into a Religious Order of solemn vows. The two latter vows are reserved, however, only when made absolutely and with perfect freedom by one who has completed his or her eighteenth year;

(b) local Ordinaries (and superiors with quasi-episcopal jurisdiction, such as regular prelates) can dispense from the non-reserved vows. In certain cases, such as urgent necessity or a doubtful vow, they can also dispense from the two private vows reserved to the Pope. These matters are treated more fully by canonists, especially in connection with Canons 258 and 1045. It is the common opinion that regular confessors who have the privileges of Mendicants can dispense, either in confession or outside of confession, from all non-reserved vows not made principally for the advantage of a third party and accepted by him. Parish-priests and other confessors may dispense from a vow of chastity discovered at the last moment when all preparations have been made for marriage (see Canon 1045).

**2235. Dispensation from Religious Vow of Chastity.**—Does the Church dispense from the vow of chastity taken in religious profession or in the reception of Sacred Orders?

(a) There are no known examples of public dispensation of priestly vows for the sake of contracting marriage, nor of a full dispensation of the religious vow of chastity, that is, of a dispensation to which the vow of conjugal chastity was not annexed as a substituted work.

(b) There have been cases in which subdeacons and deacons were permitted to marry for the sake of some common good of the Church or of a nation, and in which the marriages of priests were validated, as at the time of the Anglican Schism and of the French Revolution. But the clerics thus dispensed were forbidden the exercise of their clerical powers.

**2236. Dispensation from a Vow Made for the Benefit of a Third Party.**—(a) If the promise is gratuitous and not yet accepted by the third party, the dispensation can be given; for in such a case the only obligation is one arising from the vow, and the Church can dispense from vows. Hence, if one vowed to have Masses said for the soul of a deceased person or to give alms to the poor without determining any particular persons, the vows can be dispensed.

(b) If the promise is gratuitous and accepted by the third party, but is made chiefly in honor of God and only secondarily for the benefit of the third party, it is probable that the dispensation can be given. For that which is secondary in the promise should follow that which is primary, and here the vow, which is the primary intention, is dispensable.

(c) If the promise is gratuitous and accepted, but the purpose to benefit the third party is not subordinate to the purpose to make a vow, or if the promise is onerous, the dispensation cannot regularly be given. The reason is that in these cases there is question not only of a vow but also of a contract, not only of an obligation to God but also of an obligation to man, and justice demands that the rights of a party to a contract be not taken away without his consent. Thus, a vow of stability made on entrance into a Congregation cannot be dispensed without the consent of the Congregation itself, for the vow was also a contract between the Congregation and the vower. There are exceptions, however, as when the third party renounces his right, or when the Pope, in virtue of his supreme authority over ecclesiastical goods or of his dominative authority, grants a dispensation for which there are just and sufficient reasons.

**2237. Persons Who May Be Dispensed from Vows.**—(a) Dispensation may be granted to subjects and, in certain cases, even to non-subjects. Thus, a superior whose faculty is not restricted may dispense himself (see **403**); but it is advisable that dispensation be always sought from another person on account of the danger of self-deception. A local Ordinary also has the power to dispense, not only his own subjects, but also outsiders who are in his territory (see Canon 1313).

(b) Dispensation may be given either in the confessional or outside of the confessional, unless the contrary is stipulated in the faculty. It is more suitable, however, that it be given in the confessional.

(c) Dispensation may not be granted except to those who are willing to accept it, and in this respect it differs from an annulment, which may be made even against the will of the vower. The reason for this is that the vower placed the obligation on himself freely (see **403**). This holds at least as regards the dispensation of a private vow.

**2238. Commutation of Vows.**—The commutation of a vow is the substitution of some good work for the one promised by vow with the transfer of the religious obligation to the new work. Commutation differs from annulment and dispensation, for these take away the obligation while commutation only changes the matter, the obligation of the vow remaining unchanged. Thus, if the vow to make a pilgrimage is commuted into prayers, one is no longer obliged to make the pilgrimage, but one is bound under vow to say the substituted prayers. The power of the Church to commute vows is clear from what was said above about the power of dispensation, for he who can do what is greater can also do what is less.

**2239. Kinds of Good Works that May Be Substituted for Vows.**—(a) The good work can be a better work than the old one, that is, a work which, if not more difficult, is more pleasing to God and more spiritually advantageous to the vower. Hence, if one has vowed to give an alms to a poor stranger, the vow may be commuted, if the stranger has not accepted the promise, in favor of another stranger who is poorer or in favor of one's father who is also poor.

(b) The good work may be a work equally good, that is, one which morally speaking has the same difficulty or spiritual value. Thus, one prayer may be exchanged for another of equal length, one alms for another of equal amount, one pilgrimage for another of equal distance. But equality is to be determined, not mathematically but morally, and hence one kind of work may be exchanged for another, one kind of vow for another, and it is not necessary that the works be of exactly the same worth. In fact, the new work, which objectively is only equal, is subjectively better, since it is more advantageous to the vower.

(c) The good work may be a work less good, that is, one which is clearly less difficult or meritorious, as when a Mass is commuted into a Rosary.

**2240. Persons Who Have Authority to Commute a Vow.**—(a) The commutation of a non-reserved vow into something better or equally good may be made by the vower himself, if there are no rights of a third party to forbid this. For the ends of the original vow (*viz.*, the honor of God and the spiritual welfare of the vower) are thus better or at least equally served. But ordinarily one should not commute one's own vows, since for most persons it is not an easy matter to decide what is a better or an equal good. How many understand the respective rank of the virtues? And even if one does know, for example, that religion is better than temperance, one cannot decide from this alone that a Rosary is an equal or a better substitute for a fast. One who wishes commutation for his vow, therefore, should consult his confessor or another priest.

(b) The commutation of a vow into something less good can be granted only by the one who has a special faculty; for this kind of commutation partakes of the nature of a dispensation, inasmuch as it relaxes to some extent the original vow. Those who have the power of dispensing (*e.g.,* regular confessors who have the privileges of Mendicants) have also the power of commuting; but those who have only the power of commuting may not change a vow into something that is of notably less value. A good rule to follow in commuting a vow into something less is that more frequent reception of the Sacraments be the substitute ordered. The limitations on dispensations by reason of the rights of third parties (see above **2236**) apply also to commutations.

**2241. The Cause Required for Commutation of a Vow.**—(a) For commutation into something better no cause is required, since the new work is its own justification. (b) For commutation into something of equal value, some cause is required, since it is a mark of inconstancy and therefore displeasing to God to give over one's promises without good reason. But a light reason is sufficient, such as greater devotion or less danger of violating the vow. (c) For commutation into something of less value, a proportionate reason is necessary, not only for lawfulness, but also more probably for validity, since this kind of commutation is a partial dispensation. But the reason need not be so serious as that needed for a full dispensation.

**2242. Reversion to Original Vow.**—The return to the original vow by one whose vow has been commuted is always lawful, and in certain cases may be obligatory.

(a) It is *lawful,* even though the vow was commuted into something better; for a commutation is a privilege, and there is no obligation of using a personal privilege (see **523**). Some authors hold that this doctrine does not apply when the vower himself commuted his vow into something better, but the common opinion is that the principle of privilege applies to every case, and that one may even choose between different works if a vow has been commuted a number of times. Those who make vows should be on their guard, however, against frequent and needless changes, since inconstancy is harmful spiritually.

(b) The return to the original vow is *obligatory* according to some when the vower commuted his own vow to something better and the new matter has become impossible; for the effect of the commutation was not to extinguish the old vow at once, but to offer a satisfaction in its place, and hence when this satisfaction proves impossible the vow must be performed. Others deny this and maintain that the old vow is extinguished immediately, since one who commutes a former vow is immediately held under vow to the substituted work. All agree, however, that if the commutation is granted by authority, the old vow is extinguished and there is no duty to return to it if the substituted work becomes impossible, even though the impossibility is due to the vower's own fault. Hence, if a pilgrimage is commuted into a fast and the vower through his carelessness becomes sick and unable to fast, there is no obligation either to make the pilgrimage or to fast. It should be noted, though, that private vows made before religious profession are suspended only so long as the vower remains in the institute he has joined, and hence, if he is dismissed or leaves, the vows revive (Canon 1315).

**2243. Duties of Confessors in Reference to Private Vows.**—(a) A confessor should not readily permit penitents to take private vows, since a vow is a serious matter and should receive mature deliberation. A vow taken hastily in a fit of fervor will likely be soon repented of (see **2221**). But if it seems that a penitent will be benefited by a vow, the confessor should give permission, though it will frequently be advisable to limit the duration of the vow at first to a month or a year or other fixed period.

(b) Nor should a confessor be easy in recommending commutations of private vows, lest those who have taken them be encouraged to make continual changes. On the other hand, if there is a good reason for a change (such as danger or difficulty in the old matter or greater devotion in the new matter), the confessor should not stand in the way of a commutation. Confessors who have not the faculties must have recourse to authority for dispensations and dispensative commutations, and the same course is advised for some difficult cases of annulment (*e.g.*, when a husband and wife have made a mutual vow of continence).

**2244. External Acts of Religion in Honor of God.**—We now pass on to consider those external acts of religion in which the worshipper makes use of divine things in order to show honor to God (see **2175**). These sacred things are of two classes, namely, objects whose use is the sanctification of man (Sacraments and sacramentals) and words whose use is the power they have on others or the manifestation of reverence towards God (the Divine Name). Sacraments and sacramentals will be dealt with later. For the present we shall speak of the honor shown to God by the use of His Name, and hence we shall take up in turn the following subjects: (a) use of the divine name to confirm before others one's declarations or promises (oaths); (b) use of the divine name to move others to do or omit something (adjuration); (c) use of the divine name to express praise and invocation.

**2245. Oaths.**—An oath is the calling upon God to witness the truth of what we say.

(a) It is a *calling* upon God; that is, it is the selection of God as the witness of what is said. The oath is not merely an address made to others or a declaration that a fact is known to God (*e.g.*, "God knows she has been a good woman"); it is an address or invocation made to God Himself. Neither is it a mere prayer that God will in some way bring out the truthfulness of what is said; it is an appeal to Him to corroborate that truthfulness by His own testimony. Neither does it appeal to testimony already given (*e.g.*, the words of God found in Sacred Scripture), but to testimony to be given about the present matter. A prayer to God to prove one's innocence or the proof of a theological proposition from the Word of God is not, therefore, an oath.

(b) It is a calling *on God,* and hence if appeal is made to some creature (*e.g.*, in the expression, "upon my word of honor") or to some false deity (*e.g.*, "By Jove, I'll do that"), there is no oath.

(c) It calls on God *to bear witness;* that is, it confirms the truth of one's words by God Himself, who can neither deceive nor be deceived. He who swears does not ask that God intervene here and now by some visible or miraculous sign, but that God confirm, where and when it pleases Him, what is said, at least on that day when He will clear up the hidden things of darkness and reveal the secrets of hearts (I Cor., iv. 5). The proving force of the oath is that one who believes in God will not be so wicked or rash as to call upon the All-Holy to defend iniquity and falsehood.

**2246. The Various Kinds of Oaths.**—(a) By reason of the matter, an oath is either assertory or promissory. An assertory oath refers to the past or present (*e.g.*, "I swear that I saw the accident," "I swear that I am insolvent"), a promissory oath to the future (*e.g.*, "I swear that I will execute my office faithfully"). The promissory oath is either without a pact made with another (*e.g.*, in the comminatory oath, "I swear that I will prosecute, if you do that") or with a pact. This latter oath is called confirmatory, and, according as the pact is with

God or with man or with both, it is either a sworn vow, or a sworn contract, or a sworn vow and contract.

(b) By reason of its mode, an oath is either contestatory (invocatory) or execratory. The contestatory oath simply calls on God as a witness (*e.g.,* "God is my witness that this is true," "I swear by God, etc."). The execratory oath asks God, even though the Divine Name is not expressly mentioned, to punish the swearer in his own person or in the persons or goods that pertain to him, if the statement made is not true (*e.g.,* "May God strike me dead, if this is not true!" "May the devil take my children, if I swear falsely!"). The form commonly used, "So help me God and these holy Gospels!" has an execratory sense, the meaning being "May God help me if I speak truly, may He deny me help if I speak falsely!"

(c) By reason of the person invoked, an oath is either explicit or implicit. The former calls on God by name (*e.g.,* "God is my witness," "I speak the truth in Christ"); the latter calls on some creature as the reflection of a divine attribute, or in some other way the representative of God (*e.g.,* the oath of Moses in Deut., xxx. 19: "I call upon heaven and earth this day to witness that I have offered you life and death").

(d) By reason of its legal form, an oath is either solemn or simple, judicial or extra-judicial. The solemn oath is taken with ceremony (*e.g.,* before the altar, with hand placed on the Bible, with upraised hand, etc.); the simple oath is taken privately, without special form of words or ceremony. The judicial oath is taken in court or in reference to the public decision of questions of right, fact or delinquency (*e.g.,* in Canon Law the oaths of calumny, malice, etc., which are treated in canonical works); the extra-judicial oath, solemn or simple, is taken on other occasions (*e.g.,* when two contractants strengthen their compact by oath). Examples of solemn oaths in the Bible are found in Gen., xiv. 22, xxiv. 2, 3; Jeremias, xxxiv. 18.

**2247. Moral Difference between the Various Kinds of Oaths.**—(a) Essentially, there is no difference, since all the kinds agree in the principal features mentioned in the definition. (b) Accidentally, there is a difference in circumstances of form, solemnity, etc. Moreover, one kind of oath may be more obligatory (*e.g.,* the solemn oath on account of the special deliberation given it and the scandal caused by its non-observance is more sacred than the simple oath), or it may have other species of obligation besides that of religion (*e.g.,* the oath to keep a compact binds in justice as well as religion).

**2248. Lawfulness of Oaths.**—(a) It is lawful to take an oath that has the necessary qualities, for in Scripture God Himself is represented as swearing (Gen., xxii. 16; Psalm cix. 4; Heb., vi. 13, vii. 21), holy men swear and are praised for swearing as they should (II Cor., i. 23; Psalm xiv. 4), and the Church has always made use of oaths. The origin of oaths is man's faith in God, and their purpose is the useful one of lending authority to important assertions. Indeed, an oath is an act of religion, for men swear only by one who is greater (Heb., vi. 13), and hence an oath is a profession of reverence for God's superior knowledge, truth, and justice.

(b) It is not lawful to take an oath that lacks a necessary quality. Here we should note an important difference between an oath and other acts of religion, such as vows. An oath is not desirable for its own sake, since it is occasioned by human weakness and unreliability; hence, like medicine and other necessities occasioned by evil, it should be used only in serious need and sparingly. A vow or other act of religion, on the contrary, originates from the desire to honor God, even apart from necessity, and hence it may be used oftener. This explains why Scripture forbids the habit of swearing (Ecclus., xxiii. 9; Matt., v. 33; James, v. 12); but it is a wrong interpretation of these texts that sees in them an absolute prohibition of oaths. From the context and other passages it is clear that the Scriptures just cited reprove the Pharisees who taught that promiscuous swearing was lawful, provided only the matter was true or the Divine Name was not used, and also those persons who delighted to swear on all occasions.

**2249. Necessary Qualities of a Lawful Oath.**—The necessary qualities that should accompany an oath are expressed in Jeremias, iv. 2: "And thou shalt swear, 'As the Lord liveth,' in truth, and in judgment and in justice." Judgment refers to the good dispositions of the person who swears, truth and justice to the righteousness of the cause for which he swears.

(a) Thus, an oath should have *judgment;* that is, the person who swears should do so only from serious necessity, with faith and devotion, and in a manner respectful to God whom he invokes. An oath that lacks judgment is called incautious or disrespectful, as when one swears about a trivial matter or swears jokingly.

(b) An oath should have *truth;* that is, one should not swear except to that which one believes to be true, after reasonable diligence has been used in seeking for the truth. An oath that lacks truth is called false or perjured, as when one swears to what one knows or believes to be false, or promises what one does not intend to fulfill, or swears that one is certain when one has only *opinion,* or swears with a purely mental reservation, or swears after insufficient investigation of a matter.

(c) An oath should have *justice;* that is, one should not promise what one has no right to promise (*e.g.,* to tell a lie), and one should not say what one has no right to say (*e.g.,* what is defamatory). The matter of the oath, then, both as to its object and its circumstances, must be good, even though one is swearing truthfully and respectfully. An oath that lacks justice is called a wicked oath, as when one promises under oath to commit murder, or not to follow what is of counsel, or swears about a real fact in such a way as to do unnecessary harm to another person or to boast about one's own crimes.

**2250. Sinful Oaths.**—(a) An incautious or disrespectful oath is from its nature only a venial sin, since its malice consists, not in any direct injury to the divine truth or other attribute, but only in levity of mind; and, moreover, it is not opposed to the purpose of an oath, which is to confirm the truth. But accidentally it may be a serious sin on account of the scandal it gives (*e.g.,* when a person of standing swears without necessity), or on account of the danger to which it exposes the swearer (*e.g.,* when one swears habitually and is thereby put in the occasion of swearing falsely or unjustly). On account of the evils of familiarity, etc., to which habitual swearing leads, Our Lord warns us to be content as a rule to support the truth with simple assertion or denial (Matt., v. 2). At least for ordinary, daily communications the word of a Christian or honest man ought to be sufficient without his oath.

(b) A lying or perjured oath is from the nature of the act always (see **172**) a mortal sin, since it consists essentially in contempt for God and disrespect for His attributes. The perjurer dares to ask God to be an accomplice in a lie, or else supposes that God can be deceived. Hence, only by reason of the imperfection of the act can perjury ever escape the guilt of mortal sin, as when one commits perjury without sufficient reflection on or full consent to the oath or to its falsity. Pope Innocent XI condemned the doctrine that perjury is only a light sin (Denzinger, n. 1041). In Canon Law those who perjure themselves are debarred from acting as witnesses or giving expert testimony, and are subject to penalties at the discretion of the Ordinary (see Canons 1757, 1795, 2323). In American civil law perjury is a false oath given before a tribunal and is a crime against public justice, while subornation of perjury and false oaths given on private occasions are also crimes or punishable offenses.

(c) A wicked oath, even though the thing sworn to be true and the oath be given only after consideration and in a respectful manner, is a sin against religion and any other virtue it offends. The sin committed by reason of the oath is from its nature mortal according to some, since the swearer gravely insults God by asking Him to become a partaker in sin and by turning into an instrument of sin what should be an act of religion; others hold that the sin is only venial, since it is not serious disrespect to ask God to witness the truth of what is true; others again make the gravity of the sin depend on the wickedness of the matter or circumstances. This wickedness committed by reason of the statement or promise is venial or mortal according to the case. Thus, there is grave injustice in revealing a fact seriously detrimental to another and which one is bound to keep as confidential; there is venial scandal in swearing in order to lead another person into a slight fault of detraction; there is a grave sin of impurity in promising to commit adultery; there is a light sin of theft in promising to steal a small sum of money. Finally, others hold that the oath is mortally sinful when it furthers a grave sin (*e.g.,* an oath confirming serious detraction), and that it is venial in other cases (*e.g.,* an oath confirming a boast about past mortal sins).

**2251. Mental Reservation in an Oath.**—(a) Strict mental reservation (*i.e.,* the internal restriction of one's words so that the listener cannot gather the true meaning, as when one says one has seen Rome, meaning a picture of Rome) is a lie, and hence cannot be used in an oath without perjury. See propositions condemned by Innocent XI (Denzinger, n. 1041).

(b) Wide mental reservation (*i.e.,* the internal restriction of one's words that may be gathered by the listener from circumstances, as when a servant says his master is not at home, meaning that he cannot be seen) is lawful only when there is some reason of justice or charity that demands it. Hence, it is a mortal sin to swear with this kind of reservation when the questioner has the right to know the truth; it is no sin at all when the questioner has no right to question and mental reservation is the only escape from a serious evil. If the questioner has no right to demand an oath and the deponent has no right to use mental reservation (*e.g.,* when the oath is only private and not concerned with contract or other important matter), the sinfulness of a mental reservation is a matter of dispute. Some think the oath is mortally sinful, because it is gravely irreverent to God to call on Him to witness testimony meant to deceive. Others think the oath is only venially sinful, because the offense is not against truth or justice, but only against judgment or discretion.

**2252. Coöperation in Sinful Oaths.**—(a) Formal coöperation is never lawful, because it makes the coöperator will the guilt of what is done. Thus, he who by command, counsel, promise, etc., induces another to swear falsely is guilty as the principal or accessory to the crime (see **1513, 1778**).

(b) Material coöperation is lawful when there is a sufficient reason for it, as when a public official demands the oath according to law from a person who, as he knows, will swear falsely. For the public good demands that in certain cases oaths be administered, notwithstanding that for some persons this will prove an occasion of perjury. But the lawgiver should not multiply temptations by demanding sworn statements unnecessarily; otherwise the oath becomes a mere formality deprived of proving value, and the crime of perjury is made common.

**2253. Sinful Oaths Demanded or Accepted by Private Persons.**—(a) *Incautious or Disrespectful Oaths.*—It is not lawful to ask or receive an oath, when there is no great public or private need for it; otherwise one makes a sacred act cheap and common. Neither is it lawful to ask or receive an oath from those who do not believe in oaths (*e.g.,* the Mennonites, some Quakers); otherwise one compels another to swear against his conscience and indevoutly. Those who believe that oaths are sinful may be required, nevertheless, to bind themselves on their solemn word of honor, and may be punished in the same manner as perjurers if they speak falsely.

(b) *Perjured Oaths.*—It is not lawful for a private person to ask or receive an oath from another, if he is sure that the latter will commit perjury; but one may ask and receive an oath, even though one does not know whether the other person will swear truly or not, if one has a sufficient reason.

(c) *Wicked Oaths.*—It is clearly unlawful to ask or receive a wicked oath, in which something sinful is promised or stated; for the thing itself is then desired and there is formal coöperation. But it is not necessarily sinful to ask or receive a wicked oath, in which the sinfulness is found, not in the matter of the oath, but in the dispositions of the swearer, for there may be only material coöperation. Thus, he who exacts a sworn promise of murder agrees to murder, but he who demands a sworn statement against a third party for which there is necessity does not necessarily agree to hatred, if the person taking the oath swears out of hate or revenge.

**2254. Fictitious Oaths.**—A fictitious oath is one in which a person swearing externally has no intention internally to call on God as a witness.

(a) This kind of oath is invalid, for, as was just said, without a real intention to swear there is no oath. Hence, a fictitious oath produces no obligation of religion, but there may be an obligation of justice, as when the oath is the unjust cause of damage to another.

(b) This kind of oath is sinful, for, if it testifies to error, it includes the grave sin of external dishonor to God; if it testifies to truth, it includes the venial sin of taking God's name in vain. The fictitious oath is a grave sin if the circumstances are such that a sincere oath is gravely obligatory, as when a superior or judge lawfully imposes an oath in a serious matter, or the parties to an important onerous contract bind themselves by oath in order to strengthen their pact.

**2255. Expressions Confused with Oaths.**—Expressions that are sometimes mistakenly confused with sinful swearing are the following: (a) profane or vulgar talk, such as ''Hell,'' ''The devil,'' ''Doggone it''; (b) cursing, such as ''Go to hell,'' ''God damn you,'' ''Damn it''; (c) contumely, such as ''bastard,'' ''son of a bitch''; (d) vain use of the name of God, such as ''by God,'' ''Christ,'' etc., when used as common exclamations; (e) temptation of God, such as: ''If there is a God, may He strike me dead!''; (f) blasphemy, such as: ''May God perish, if this is not true!''

The expressions, ''This is as true as the Gospel,'' ''God's own word is not more truthful,'' ''I am as innocent as the Blessed Virgin,'' etc., if used to confirm the truth, are not meant to assert the speaker's equality to God and the Saints, and hence they are venial sins of taking the Lord's name in vain. But, if they are used to confirm error, they are mortal sins of blasphemy.

**2256. Obligation Imposed by Promissory Oath.**—An assertory oath imposes the obligation of telling the truth and of repairing any damage that results from the falsity or injustice of the declaration. In addition, a promissory oath binds one in virtue of religion to perform one's promise; for, as said above (**2249**), an oath must have truth. Hence, Scripture bids those who have sworn to fulfill the promise (Matt., v. 33) not to make the word of no effect (Num., xxxi. 3). But the thing promised must be possible and lawful, or otherwise the oath lacks judgment or justice. (a) Thus, an impossible promise is not binding, for no one can oblige himself to perform what he cannot perform (cfr. **2201**); (b) an unlawful promise is not binding, for no one can oblige himself to perform what he is bound not to do. Thus, an oath to revenge murder by murder is null. and sin is committed both in taking and in keeping it.

**2257. Obligation Imposed by Negative Oaths.**—The obligation of a sworn promise not to do what is better (*e.g.*, not to take a vow), or to do what is vain and useless (*e.g.*, an oath to count the steps one takes), depends on the circumstances. (a) If there are no rights of a third party involved, these oaths do not hold (*e.g.*, he who swears not to vow acts laudably in disregarding the oath). For one may not call God to witness or be guarantee for that which is less pleasing to Him, or which in no way honors Him, and for which there is no claim on the part of a third person. (b) If there are rights of a third party involved, these oaths oblige one to give the third party what he is entitled to from the promise (*e.g.*, a nurse who swears to remain with a sick person may not violate the oath by entering religion).

**2258. Obligation of Oath Is Personal.**—An oath added to a promise made to man and obligatory in justice is personal, and hence it binds the one who makes the oath, but not his heirs (see **2216**).

**2259. Interpretation of Promissory Oaths.**—(a) An oath should be interpreted strictly, for the presumption is that the promisor intended to place upon himself the least possible burden. Thus, if a person swears to observe the statutes of a certain Congregation, it should be understood that he pledges himself to present, not to future statutes; if he swears not to gamble, the oath does not forbid games in which money is not played for. But if the promisor acts deceitfully, the oath is to be interpreted according to the intention of him who receives the promise (Canon 1321).

(b) An oath is always subject to the limitations and reservations which the nature of the case, law, or custom demands. Hence, even though an oath is made unconditionally, the following conditions are understood: "If fulfillment will be physically and morally possible," "saving the rights of superiors," "unless the other party renounces his right," "unless the other party fails to keep his part of the agreement," "unless there comes a notable change in conditions." If the promisor explains beforehand to the promisee what he understands by the oath, he swears only in the sense thus set forth by him.

(c) An oath follows the nature and conditions of the act (*e.g.,* resolution, promise, vow, contract) that it confirms, for the accessory follows the principal. Hence, if the act to which the oath is attached cannot be obligatory (*e.g.,* an act detrimental to eternal salvation, or the public good, or the rights of a third party), the oath gives no strength to this act (Canon 1318); if the act is naturally invalid (*e.g.,* a promise obtained through substantial fraud), the oath is also invalid; if the act does not become effective (*e.g.,* a promise not accepted), neither does the oath become effective; if the act ceases to oblige (*e.g.,* a promise of secrecy made for a time), the oath also ceases to oblige; if the act is not obligatory under grave sin, the oath is not obligatory under grave sin (*e.g.,* if one swears to observe the statutes of a university, one is not bound to observe those that are commonly neglected, one commits no sin by transgressing those that are merely penal or optional, and one commits no grave sin by violating those that oblige under venial sin).

**2260. Kind of Obligation Produced by a Valid Promissory Oath.**—(a) The obligation is *one of religion,* because the significance of the oath is that it adds the duty of respect owed to God to the duty of fidelity owed to the promise. Men swear in order to make their promises more trustworthy through the sacredness of the oath. The violation of a promissory oath is, therefore, always a sin against religion. There are other sins added in some species of oath, namely, a second sin against religion in case of a sworn vow, a sin against justice and fidelity in case of a sworn contract, a second sin against religion and a sin against justice and fidelity in case of a sworn vow and contract (see **2246** a).

(b) The obligation, other things being equal, is *less than that produced by a vow,* because the vow binds in virtue of fidelity to God, but the oath only in virtue of respect. The obligation of fidelity seems to be stronger, because unfaithfulness always contains disrespect, but not vice versa. Moreover, in the case of a vow not only the fulfillment of the promise, but the thing promised itself is sacred, which is not true in the case of an oath. An assertory oath, however, seems to be more binding than a vow, because it is a greater injury to God to make Him the witness for falsehood than to break a promise made to Him.

**2261. Degree of the Obligation of a Valid Promissory Oath.**—(a) The obligation is *grave,* from the nature of an oath, because the virtue of religion is preëminent among the moral virtues (see **2146**). There is no doubt that mortal sin is committed when one gives a sworn promise and has no intention to fulfill it, for this is perjury (see **2250** b); and also when one unjustly refuses to live up to an important engagement made under oath, for this is irreligion and injustice in a serious matter. The remarks on grave matter in vows (**2211**) apply here, but, since the vow obliges more strictly, a somewhat greater amount is needed for serious matter in violation of an oath.

(b) The obligation may be *light* on account of the smallness of the matter involved. Even a vow, which is more binding than an oath, may be of venial obligation in this way (see **2211**). A person who makes a promise under oath, fully intending to keep the promise, but who later changes his mind without sufficient reason, does not show disrespect to God, since when the oath was made he intended to abide by it, and does not seriously injure his neighbor, since, as we suppose, the matter of the oath is small. The sin, therefore, is one of inconstancy or levity, and, if there is disrespect, it is slight. Thus, if a person who had sworn to drink no more wine took a drop now and then, these transgressions would be only venial. Some authors, however, believe that every unfaithfulness to a promissory oath, no matter how small the subject-matter, is a grave sin, because perjury is committed by the breach of promise. This is commonly denied, because the meaning of a promissory oath is that God is called on to witness the truth of a present intention and the obligation (great or small) of a future performance.

**2262. Cessation of Obligation of Promissory Oath.**—The obligation of a promissory oath, like that of a vow (see **2226**), ceases intrinsically or extrinsically.

(a) Intrinsically, an oath ceases when there is a substantial change in the matter (*e.g.,* it is or has become impossible or unlawful, as in Herod's oath to Salome), when the principal reason for the oath has ceased (*e.g.,* Titus swore to give an alms to Sempronius because the latter was poor, but before the alms was given Sempronius became rich), or when the time or condition by which the oath was limited terminates the obligation.

(b) Extrinsically, an oath ceases by condonation (*e.g.,* when the State or a private person to whom a sworn promise has been made yields the right and remits the obligation), by annulment (*e.g.,* when a father nullifies the oath of his minor child), by dispensation (*e.g.,* when the Church absolves from an oath taken under grave compulsion), by commutation (*e.g.,* when the Church changes the matter of a sworn vow into something more suitable). Those who can annul, dispense or commute vows have the same power over oaths; but if the dispensation of an oath is detrimental to others who are unwilling to forego the promise, only the Apostolic See can dispense, and then on account of a necessary reason (see Canon 1320).

**2263. Adjuration.**—Adjuration is the invocation of the name of God used in a request or command to another person in order to move that person to do or omit something.

(a) It is an *invocation,* and in this respect it is like an oath, for both an oath and an adjuration call upon the name of God.

(b) It calls upon the *name of God* either explicitly (*e.g.,* "I command you in the name of God") or implicitly (*e.g.*, "I beseech you for the sake of the passion of Christ"). If command or request is made in the name of a creature and without reference to God's attributes reflected in them, there is not, properly speaking, an adjuration, as when one implores a favor from another person in the name of a Patron Saint, or of one's country, parents, friendship, etc.

(c) It is *used in a command or a request*, and thus it differs from prayer, which cannot be made in the form of a command. But adjuration may be used in prayers to God Himself or to the Saints, as is done in obsecrations.

(d) Its purpose is *to move another to an act or omission*, and thus it is different from an oath. The end of an oath is to confirm one's words by the testimony of God; the end of an adjuration is to influence another to a certain course through an appeal to his respect, fear or love of God.

**2264. The Species of Adjuration.**—(a) Adjuration is solemn or simple (private). The solemn adjuration is made in the name of the Church by her ministers and in the ritual form prescribed by her, as in the exorcisms of Baptism. The simple adjuration is made by private persons and without ritual ceremony.

(b) Adjuration is imperative or deprecative. The imperative is given in the form of a command to inferiors or demons, as when St. Paul writes to the Thessalonians: "I charge you by the Lord that this epistle be read" (I Thess., v. 27). The deprecative is given in the form of a request made to God or to any creature not damned, as when St. Paul writes to the Romans: "I beseech you, brethren, by the love of God that you present your bodies a living sacrifice" (Rom., xii. 1).

**2265. Qualities of Lawful Adjuration.**—Adjuration is lawful and an act of the virtue of religion, since it professes reverence for the divine attributes in using them as the most efficacious motives of appeal. But, like an oath, adjuration must be accompanied by qualities that make it lawful.

(a) Thus, there must be *judgment*, and hence those persons are guilty of sin who employ adjuration without necessity (*e.g.*, those who constantly urge the love of God and other religious motives when asking for any favor), or without devotion (*e.g.*, those who in anger are wont to command "for God's sake," etc.). The sin committed does not seem grave, since there is no great disrespect and the malice consists in taking God's name in vain, not in insult.

(b) There must be *truth*, and hence an adjuration is sinful when used for a lying cause, as when a well-to-do person pretends to be indigent and begs that alms be given him for the love of God. The sin committed does not seem grave, since the act to which the other person is invited is good, and the act of adjuration itself does not ask God to testify to the lie, but only uses His name without reason. If the deception is mortally sinful, however, some authorities think that the adjuration added to it is a grave sin against religion.

(c) There must be *justice*, and therefore an adjuration is sinful when used to obtain something unlawful, as when one demands in the name of God that another person tell a lie or commit murder. The adjuration is gravely irreverent to God if the thing sought (*e.g.*, murder) is a mortal sin; it is lightly irreverent, according to the common opinion, if the thing sought (*e.g.*, a harmless lie) is only a venial sin.

**2266. Persons Who May Be Adjured.**—God may be adjured, but only in a deprecative manner, as is done in the obsecrations, "through Jesus Christ," "through Thy Passion and Death," etc. The purpose of adjurations addressed to God is not to change the divine decrees, but to obtain through His goodness what He intended from eternity that we should obtain by prayer. But the same form of adjuration cannot be used for all creatures.

(a) Thus, deprecative adjuration may be used in reference to those who are in some way one's superiors. Hence, we may pray the Angels and Saints to grant a prayer for the love of God, and a beggar may ask in Our Lord's name that a wealthy man give him an alms.

(b) Imperative adjuration may be used in addressing subjects or inferiors. Adjuration of demons must not be made in friendly words, nor with a view to obtaining services or knowledge from them, but in works of reproach and only as a means to end their nefarious activities.

(c) No kind of adjuration may be used in regard to irrational creatures, since they are without knowledge sufficient for receiving a command or a request. The adjurations of animals, the elements, inanimate objects, etc., that are contained in the Ritual, must be understood as deprecative adjurations addressed to God, or imperative adjurations addressed to evil spirits, that the creatures prayed over may be to our benefit and not to our hurt. Examples are the exorcisms of water, salt, mice, locusts, houses, or storms.

**2267. The Use of Exorcisms.**—(a) As to their effect, exorcisms are of two kinds, exorcisms in the strict sense (*i.e.*, the expulsion of demons from possessed persons) and exorcisms in the wide sense (*i.e.*, the diminution of demonic influence). Examples of the former are found in the Gospels, where Our Lord drives out many evil spirits from afflicted persons; examples of the latter are found in the exorcisms administered in Baptism and in the exorcisms of salt, water and other inanimate or irrational creatures.

(b) As to their manner, exorcisms are also of two kinds, the solemn and the private. The former are made in the name of the Church in the manner prescribed by the Ritual, and their administration is reserved to clerics who have a special and express permission from the Ordinary (Canon 1151, § 1). The latter kind may be made even by members of the laity, and we read that certain Saints, like St. Anthony and St. Catherine of Siena, had great power over evil spirits. It is recommended that priests frequently use private exorcisms, at least secretly, for persons who are vexed by temptations or scruples, and for which they may use the form: "In the name of Jesus Christ, unholy spirit, I command you to depart from this creature of God."

**2268. The Effects of Adjurations.**—(a) Adjurations addressed to one's fellow-men upon earth impose no obligation of religion upon the persons addressed. Hence, if a rich man turns a deaf ear to an appeal for charity made in the name of

God, he violates charity but not religion; if a child disregards a command urged upon him for the love of God, he violates obedience but not religion.

(b) Adjurations addressed to demons are not of infallible efficacy, at least as to the entire effect intended, for power over the spirits of darkness is given only in such measure as is needed for the propagation of the Gospel. But we believe that an exorcism pronounced lawfully by one who has the Order of Exorcist acts *ex opere operato*, at least to restrain the wickedness of the demons: "In My name they shall cast out demons" (Mark, xvi. 17).

**2269. Praise of God.**—Having discussed oaths and adjurations, in which honor is shown the name of God, and the immediate end of which is or may be some human advantage, we come now to the honor shown the name of God by praise in which the immediate end is some spiritual advantage. Praise is defined as "the declaration of another's greatness with approval." The divine praises include the prayers of wonder, of honor, of thanksgiving; but they differ from prayer properly so called or petition (see **2153**).

**2270. Internal and External Praise of God.**—(a) Internal praise is expressed by the thoughts and affections of the soul. This is the most important part of praise, and without it external praise loses much of its value. Our Lord reproved the Pharisees for honoring God with their lips, while their hearts were far from Him (Matt., xv. 8), and St. Paul admonishes the Ephesians to sing and make melody to the Lord in their hearts (Ephes., v. 19).

(b) External praise is expressed in words ("I will bless the Lord at all times, His praise is always in my mouth," Psalm xxxiii. 1), or in song ("Admonishing one another in psalms, hymns and spiritual canticles, singing in grace in your hearts to God," Col., iii. 16), or by music ("Praise Him with sound of trumpet, with psaltery and harp, with timbrel and choir, with strings and organs, with high-sounding cymbals," Psalm cl).

**2271. Excellence of Praise of God.**—(a) *Praise Is Due to God.*—His essence and attributes are ineffable and above all praise (Ecclus., xliii. 33), and they must be honored by the superior acts of worship and reverence. But the effects of His goodness shown to us should be declared and glorified: "I will remember the tender mercies of the Lord, the praise of the Lord for all the things the Lord hath bestowed upon us" (Is., lxiii. 7).

(b) *Praise of God Is Advantageous to Man.*—Internal praise lifts the soul on high and prepares it to receive benefits from God, while external praise helps the mind to keep its attention fixed on God, excludes those things that are contrary to Him, and offers edification to others. St. Augustine narrates in his *Confessions* how profoundly he was moved in spirit, even to tears, on hearing the hymns and canticles of the Church.

**2272. Qualities that Should Be Present in the Divine Praises.**—(a) *Internally,* there should be devotion. It is useful that those who perform or assist at the praises of God understand what is said, but it suffices for devotion that they know His greatness and goodness is being proclaimed. The intention should be to honor God, and hence there is no act of personal religion if in reciting or hearing God's praises one intends only ostentation or pleasure; attention should also be given to what is said, and hence St. Augustine says that it is a sin to think rather of the music than of the praise of God proclaimed by the music (see **2164 sqq.**).

(b) *Externally,* the divine praises should be respectful to God and helpful to recollection and devotion. Hence, the law of the Church excludes from her services all that is of a disturbing, profane or sinful character, such as theatrical displays, musical instruments that distract the mind from religious thoughts, lascivious airs or those suggestive of the dance. The Code prescribes that impure music of every kind must be eliminated from churches (Canon 1264), and Pius X in his *Motu Proprio* of 1903 lays down the rule that there must be nothing in the services of the Church that is calculated to diminish piety, give reasonable scandal or disgust, or offend the decorum of sacred functions or the sacredness of the place. The sin committed by misbehavior or levity during divine services depends on the seriousness of the disrespect shown to God or the scandal given the beholders.

**2273. The Sins against Religion.**—Inasmuch as religion is a moral virtue and therefore consists in the observance of a golden mean, the sins opposed to it are the extremes of excess or defect. (a) The sins of excess offend, not because they offer too much worship to God (a thing that is impossible), but because they exceed by giving worship where it is not due or in a manner that is not due (superstition). (b) The sins of defect offend by denying due religious reverence to God Himself (temptation of God, perjury) or to sacred things (sacrilege, simony).

**2274. Superstition.**—Superstition is false religion, or a vice that offers improper worship to the true God or divine worship to a false god. Improper worship of the true God is either false or superfluous.

(a) *False* worship is opposed to the truth of religion (*e.g.*, Old Testament rites which signify that Christ is still to come), or of rites (*e.g.*, Mass by a layman, Mass according to a form disapproved by the Church), or of facts (*e.g.*, fictitious revelations, ecstasies, mysticism, miracles, relics), or of morals (*e.g.*, human sacrifice, praises of God to the accompaniment of lascivious words or music, etc.).

(b) *Superfluous* worship is offered when an external observance in no way serves the purposes of religion (*viz.*, the glory of God, the elevation of the soul to Him, the repression of the passions), or is opposed to law or common custom. The purposes of religion are not served by actions foolish in themselves (*e.g.*, the repeated mumbling of meaningless sounds) or in their intent (*e.g.*, undue emphasis given to minor details of a religious act, such as color of the candles on the altar, the stature of the celebrant, the hour or condition of the weather, etc., as if weighty consequences depended on them). The chain prayer is another example of a superstition that places all the virtue of an act of worship in some small external circumstance. The law and custom are not followed in such superstitions as additional crosses, alleluias, credos, etc., made in violation of Mass rubrics, or a devotion consisting of fasts on Sundays, or new forms of piety that lack ecclesiastical approval. There is no superstition, however, in modes of worship approved by the Church (such as novenas, tridua, Gregorian Masses, and the like), for the Church recognizes no devotion or ceremony unless it is true and useful as an expression of religion.

**2275. The Sinfulness of Improper Worship of God.**—(a) False worship is from its nature a grave sin; it is seriously insulting to God because it offers Him dishonor as honor, and it is also seriously harmful to man because it casts discredit by its falsity on the name of religion. (b) Superfluous worship is from its nature a venial sin, since it contains no notable irreverence towards God and, being outlawed, does not reflect on religion. Accidentally, however, it may be a mortal sin, as when it is performed in such a way as to cause great scandal.

**2276. Worship of False Deity.**—Worship of a false deity is performed by offering a creature an act of homage due to God alone. Hence, there are three species of this superstition: (a) a creature is recognized as God, when it is offered a service (such as sacrifice) that testifies to supreme and infinite excellence (idolatry); (b) a creature is given the credit of divine knowledge, when instruction about hidden matters which only God could bestow is asked from it (divination); (c) a creature is treated as the supreme ruler, when assistance which only God can grant is sought from it (vain observance).

**2277. Definition of Idolatry.**—Idolatry is the supreme worship of *latria* offered to a creature.

(a) It is *supreme worship,* and hence the inferior reverence of *hyperdulia, dulia,* or civil honor, offered respectively to Angels, Saints, superiors, etc., is not idolatry. The external signs of worship that belong to God alone (such as sacrifice, temples, priesthood, altars, etc.), may never be used in the veneration of creatures; nor the signs that are common to God and creatures (such as genuflexions, prostrations, prayers, etc.), if the intention is to adore.

(b) Idolatry is *offered,* that is, by it an act of worship is intended or is at least performed in a serious manner. Hence, it would not be idolatry so to enact a pagan ceremony that the onlookers could understand that no religious rite was being performed (*e.g.*, if it were done on the stage, or in a joking manner).

(c) Idolatry is offered *to a creature*, and hence the relative honor that is shown the images of the Trinity or of Christ on account of the persons represented by them is not idolatry. The creature to whom idolatry is shown is either a person (*e.g.*, an Angel, the soul of a departed person, a living human being), or an irrational creature (*e.g.*, the bull Apis, a sacred plant), or an inanimate substance (*e.g.*, statues or pictures, the elements, the heavenly bodies), or a fictitious being (*e.g.*, Jupiter and the other gods of mythology).

**2278. The Kinds of Idolatry.**—(a) Idolatry is either internal or external. Internal idolatry has the intention to adore a creature, as when a Satanist offers sacrifice to demons. External idolatry performs an outward rite that signifies adoration of a creature, although there is no will to give adoration, as when a Christian out of fear of death reluctantly burns incense before an idol. (b) Internal idolatry is either perfect or imperfect. Perfect idolatry includes belief in a false god, as when an ignorant pagan prays to the sun and moon. Imperfect idolatry is committed when, without belief in a false god, there is the will to offer it divine worship on account of hatred of God, wish to obtain favors from demons, or the like.

**2279. The Sinfulness of Idolatry.**—(a) Idolatry is a most grievous crime. It entails rebellion against the majesty of God, attack on the virtue of religion, unbelief or denial of faith, and scandal; and hence it is forbidden in the first commandment: "Thou shalt not have strange gods before Me. Thou shalt not adore them, nor serve them" (Exod., xx. 3 sqq.).

(b) Idolatry in itself and in its highest degree is the most grievous of sins, for it includes both hatred of God (since it would deprive Him of His unique excellence by giving His honors to creatures) and blasphemous unbelief (since the idolater publicly professes that God is not above all). Now, it was said above that unbelief, hatred of God and blasphemy are the most enormous of sins (see **820, 895, 1301, 1302**), and so it follows that the worst form of idolatry is graver than other sins.

(c) Idolatry, by reason of the dispositions of the person who commits it, may be less grievous than other sins. Thus, it is worse to hate or deny God internally than to worship an idol externally only; it is worse to blaspheme with great hatred and contempt than to practise idolatry with less malice. Imperfection of the act, as in cases of ignorance or want of consent, makes the sin venial, or no formal sin at all.

**2280. Comparison of Different Sins of Idolatry.**—(a) Internal idolatry is worse than external idolatry, because the former, though not the latter, includes approval of the superstition committed. (b) Imperfect idolatry is worse than perfect idolatry, if both be considered precisely as idolatry, since the former proceeds from malice, and the latter from greater or less ignorance. (c) External idolatry is aggravated when its motive is more sinful or makes the act more voluntary (*e.g.*, it is worse to pretend sacrifice to an idol if the motive is to ingratiate oneself with the idolaters or to spite the Christians, than if the motive is to escape death at the hands of the pagans).

**2281. Idolatry Possible in Christian Worship.**—The guilt of idolatry may be incurred even by Christians offering worship to God. (a) Thus, in the adoration of the Eucharist there would be idolatry, at least material, if an unconsecrated host were exposed for veneration or given in communion. (b) In the veneration of the Saints there would be idolatry, if they were honored or invoked as if they possessed divine attributes.

**2282. Definition of Divination.**—Divination (soothsaying, fortune-telling) is a form of superstition in which the evil spirits are invoked explicitly or implicitly with a view to the discovery of what is future or occult.

(a) It is a *form of superstition*, because it seeks to obtain through natural means knowledge that cannot be had except from God, or substitutes other teachers for God.

(b) It contains the *invocation of evil spirits*, for the information sought surpasses the powers of nature and, being illicit, cannot be expected from supernatural powers that are good (such as God, the Angels, the Saints).

(c) The invocation is *explicit or implicit*. There is explicit calling on the evil spirits when one prays to the demon or makes an agreement with him; there is implicit invocation when one does not address an evil spirit, but does employ means for the discovery of knowledge which are not adequate, either from their nature or from the will of God, for the desired effect.

(d) The knowledge desired is of *future or occult things*, that is, of such things as cannot be foreseen in their causes or discovered by natural means (such as the future acts of free beings, the secret thoughts of the heart).

**2283. Distinction between the Fact and Sin of Divination.**—(a) The fact of divination—that is, the actual manifestation by evil spirits of things humanly unknowable—is not impossible, since the demons are far superior to man in intelligence and knowledge, and it is the teaching of revelation that they use their powers to mislead and seduce mankind. Their knowledge, however, does not extend to future contingencies, nor to the secrets of hearts, and their word cannot be relied on. A case of real communication by an evil spirit is that of the girl of Philippi possessed by a pythonical spirit (Acts, xiv. 16–18), and some think that the same can be said of the Witch of Endor (I Kings, xxvii. 7–25); but no doubt there have been many instances of divination in which the intervention of demons was only imaginary.

(b) The sin of divination is committed when one has the will to receive occult knowledge from forbidden sources, or uses the means to obtain knowledge from those sources, even though there be no communication or response on the part of the spirits of evil.

**2284. Forms of Explicit Invocation.**—Divination in which there is explicit invocation of the demon is of various kinds according to the medium through which instruction is given or expected.

(a) Thus, the medium is direct if it is an external sensible appearance representing the demon (*præstigium*) or an internal picture in the imagination or a dream containing his answer (oneiromancy).

(b) The medium is indirect and rational when it is a human being, dead or living. Divination through the evocation of the departed is known as necromancy, while that which is given through living possessed persons is called pythonism. Modern Spiritism partakes of the character of both necromancy (since the spirits of the departed are consulted) and pythonism (since persons supposed to be under the control of familiar spirits act as mediums).

(c) The medium is indirect and irrational when it is some solid body (such as iron, stone or crystal) in which figures or signs appear; idols from which oracles are received; tables or ouija boards from which answers are given by raps or writing; divining rods supposed to lead the way to any hidden person or thing, etc. (geomancy); or some liquid body (hydromancy), or air (aëromancy), or fire (pyromancy), or the entrails of sacrificial victims or natural prodigies, such as lightning (haruspicy). Here also may be mentioned the superstition of ordeal by fire, boiling water, combat, etc., once used to determine the guilt or innocence of an accused person.

**2285. Forms of Implicit Invocation.**—Divination in which there is only implicit invocation of evil spirits is manifold, just as the natural causes from which preternatural knowledge is expected are manifold. Among the principal forms are the following:

(a) that which is made from the human mind, when clairvoyance or clair-audience is employed. It is supposed that certain persons have the natural gift, at least when in a trance or hypnotic state, of perceiving what is done or said at a distance without any of the normal means of communication, and even of reading minds. This supposed inborn gift is sometimes called second sight or telepathy. Some authorities hold that there is sufficient evidence for vision at a distance as a sixth sense in certain individuals, especially among primitive peoples; but their reasoning is not convincing. Man's knowledge naturally comes through the external senses, and what is out of the reach of sense (such as far-off sights or sounds not conveyed by artificial media, and the inner world of the thoughts and feelings of others not externally manifested) is not known in a human way;

(b) divination that is made from the human body in physiognomy, phrenology, and chiromancy. The physiognomist pretends that he is able to discover the hidden character, latent abilities or defects, secret thoughts, etc., by a study of the features or expression of the countenance. The phrenologist claims that he can read the mental and moral traits of a person from the bumps or prominences of the skull. The chiromantist or palmist, often a gypsy, promises to foretell the future, read the past, discover the present secret character and aptitudes of an individual from an inspection of the shape, lines and configuration of his hand and of the character of the lines and marks of his palms;

(c) divination that is made from non-human and necessary events in astrology. This pseudo-science gives predictions about the fortunes of an individual drawn from a study of his horoscope (*i.e.,* the aspect of the heavenly bodies at the moment of his birth) and of certain rules of interpretation;

(d) divination that is made from non-human and contingent events in augury and auspice, which divine from the voices or manner of flight of birds; in omen or portent, which divine the future from some chance happening (such as meeting with a red-haired woman or a hunchback, a sneeze, etc.); in sortilege, which divines by lots or signs arbitrarily chosen (such as the letters that appear on opening a book at random, the numbers or figures that appear when cards are drawn or dice thrown). Superstitions about omens are of two kinds, some happenings being regarded as signs of good luck (*e.g.,* to find a pin), others as signs of bad luck (*e.g.,* to meet a black cat, to spill the salt, to break a mirror, to raise an umbrella in the house).

**2286. The Malice of the Sin of Divination.**—(a) *The Theological Species.*—If there is explicit invocation of evil spirits, divination is of its nature a mortal sin that admits of no lightness of matter, for it gives divine worship to a creature, acts on friendly terms with the enemy of God, and prepares one for apostasy and eternal damnation. If there is no explicit invocation of the spirits of evil, the sin is of its nature mortal on account of the implicit commerce with the devil; but generally the sin will be light on account of the dispositions of the offender (*e.g.*, because he is ignorant, or consults divination as a joke or from curiosity, or has no faith in it). Hence, the faithful should be warned not to go to fortune-tellers or put faith in dreams, but, apart from such cases as serious scandal, habitual direction of one's life by superstition, coöperation in serious sin of a diviner, etc., the sin will usually be venial, at least in young people. Persons who occasionally act or omit to act in some indifferent matter on account of dreams they have had are often excused from all sin on account of the fear or hope which the dreams excited.

(b) *The Moral Species.*—All forms of divination, it is commonly held, belong to the same species of worship of a false god (Deut., xviii. 10–12). Yet, the confessor should be told about an explicit pact with evil spirits, if there was one, since thus he will be able to decide the gravity of the sin and to make inquiries about other sins that usually accompany such a pact (*e.g.*, blasphemy, promise to serve the devil, sacrileges, etc.).

**2287. When Knowledge Is Obtained from God.**—There is no sin of divination when knowledge is obtained from God.

(a) Thus, God can communicate directly in a vision or dream, and there are examples of this in Scripture. But generally one should not be guided by dreams as if they were means for supernatural knowledge, since nearly all dreams are produced by natural causes. It is not sinful to believe that a dream of an extraordinary kind (*e.g.*, one in which the future is wonderfully foretold or a warning given, or which produces great spiritual good) was sent by God.

(b) God can communicate through other human beings, and hence it is not superstitious to put faith in the private visions or revelations that have been recognized by the Church, or that have the marks of genuineness required by the Church.

(c) God has sometimes communicated through the instrumentality of irrational beings or by means of portents. Thus, Gedeon took the words of enemy soldiers as a premonition of victory (Judges, vii. 15); Eliezer chose a sign by which to recognize the woman who should be the wife of Isaac (Gen., xxiv.

14); the ordeal of bitter waters was prescribed in Numbers, v. 11 sqq.; Josue discovered the guilt of Achan by lots (Josue, vii. 14), and St. Matthias was elected to the Apostolate by lots (Acts, i. 23–26). But these were exceptional cases in which men were inspired to consult God as they did, and it would be superstitious to seek knowledge in these ways against the will of God. Those who desire light and guidance should have recourse to the teachers God has provided on earth and should pray to God, leaving to Him the ways and means of His answer. Hence, the Church has declared it unlawful, even in private, to call upon the good spirits to give answers through automatic writing (*Collect. de Prop. Fide,* 1994), or to interrogate the dead at spiritistic seances (*Acta Ap. Sedis,* 1917, IX, 268). It is not superstitious, however, in a grave matter when there is no ordinary means of instruction at hand, to offer a prayer to God and then have recourse to lots to decide what course shall be followed (Prov., xvi. 33).

**2288. When Knowledge Is Obtained Through Natural Causes.**—There is no sin of divination when knowledge of the future or of hidden things is obtained through proportionate natural causes or indications.

(a) Thus, knowledge of future happenings is naturally deducible from their necessary causes, when these causes are known. The effect may be predicted with certainty if the cause is so determined to one course that its result is invariable (*e.g.,* the revolution of the earth around the sun always brings on the four seasons of the year); it may be predicted with the greatest probability if the cause is so constituted that almost always it has a certain consequence (*e.g.,* a seed properly planted usually grows into a tree). Hence, there is no superstition in astronomical predictions, weather forecasts by meteorologists, tables of life expectancy drawn up by insurance experts, etc., since these are inferences from known scientific laws.

(b) Knowledge of hidden things is naturally deducible with more or less certainty from the presence of their known causes, or effects, or indications. Hence, a physician is not accused of superstition if he reasons out the character or phase of an internal disease from the symptoms that exhibit themselves. Moralists today generally agree that the use of the magic wand (divining rod, dipping rod, dowser) for the discovery of subterranean springs, mineral deposits, oil wells, etc., is not superstitious, although there is some difference of opinion and uncertainty about the cause of the phenomenon. It is true that many means of detection or discovery, supposedly scientific, are due to misunderstanding of scientific principles or of logic; but their authors, since they rely on natural causes, are guilty of ignorance or quackery rather than superstition.

**2289. Use of Lots.**—Is it lawful to use lots in settlement of some business, when there is no intention to seek preternatural oracle?

(a) It is lawful to do this, if there is some reason of necessity or utility or amusement to justify the lots, and no injustice or prohibition of law. Hence, if there is no other convenient method of decision, one may use the drawing of straws or cards to decide how lands or goods shall be divided between claimants, or which of several competitors shall receive a reward or office.

(b) It is not lawful to do this, if there is a prohibition of law (*e.g.*, ecclesiastical elections may not be made by lot), or if there is no necessity for the lots (*e.g.*, it is at least foolish to use the Gospels for deciding by lot matters that could be decided by reflection), or if injury is done another person (*e.g.*, to decide by lot when the merits of two contestants are unequal, to practise unfairness in the drawing).

**2290. Vain Observance.**—Vain observance is a superstition that ascribes to certain things effects for which they have no natural or communicated power.

(a) It *ascribes* the effects to natural things, but it supposes that in some way supernatural forces, not of religion, are at work in or through these things. Thus, just as in divination, there is in vain observance either an express or an implied invocation of the spirits of evil. The alchemists, who thought there was a philosopher's stone able to transmute base metals into gold or an elixir that could greatly prolong life, looked to natural causes, and hence to that extent seem to be guilty of false science, rather than of superstition. Scientific materialism, though, is a crasser form of ignorance than any superstition that trusts in super-material powers.

(b) The *things* which vain observance makes use of are persons, acts, objects, circumstances, happenings, etc. Even sacred things may be employed as the material for vain observance, as happens when some accidental and unnecessary circumstance of a sacred rite (*e.g.*, the size or color of candles) is given the credit of the sacred results. Here again vain observance and divination are alike, since the same means are employed by both.

(c) The *effects* looked for in vain observance, or the purpose had in view, is some fact or event. It is this characteristic that distinguishes vain observance from divination: the latter aims at occult knowledge, the former at supranatural results. The expected fact or event is something that surpasses the natural powers of physical or human agencies (*e.g.*, sensation without sense excitants, mind-reading without external indications, scientific knowledge without study, bodily feats without corresponding bodily powers, detection of secret and hidden things without human means for detection), or even of the invisible world of spirits (*e.g.*, creation, generation of new substances, evocation of the dead, internal motion of man's will).

(d) There is *no natural power* in the things used for producing the substance or mode of the desired effects, that is, no inherent and sufficient force or activity. Hence, vain observance is not to be confused with scientific marvels or natural wonders whose explanation is unknown to the general public, or which cannot be fully explained by scientists themselves. Thus, the baffling tricks of white magic are due to legerdemain, ventriloquism, ocular delusions, and the like; the physiological changes (*e.g.*, convulsions, hysteria, somnambulism, bodily cures) produced in mesmerism, hypnotism, thought healing, etc., are explained by suggestion and the motor power of images excited to produce bodily motions, passions, or changes; the mental phenomena (*e.g.*, hyperæsthesia, wondrous visions, increased vigor of mind) of certain drugs such as hashish, mescal and opium, are caused by properties of these drugs.

(e) There is *no communicated power* in the things employed, that is, no instrumental virtue bestowed by a higher cause. Hence, since Sacraments, sacramentals, and miracle-working relics have from God in a greater or less degree an efficacy for results above nature, there is no superstition in their proper use. But, as was noted just above, sacred things themselves may be used superstitiously, as happens when they are regarded as principal agents, or when, contrary to fact, they are deemed to act infallibly or independently of any human coöperation or disposition.

**2291. Forms of Vain Observance.**—Among the forms of vain observance are the following:

(a) those by which one puts into use vain ceremonies or objects in the expectation that they will secure certain desired effects, or puts an exaggerated confidence in lawful rites or sacred objects;

(b) those by which one directs one's life through fortuitous and impertinent happenings in the belief that they have the power to influence one's fortunes favorably or adversely. This form of superstition is like divination by omens; the difference is that in using omens one chiefly seeks for knowledge of the future, while in observing chance events one chiefly intends the direction of one's conduct. Examples are found in persons who fear to make a journey on Friday or to begin any important affair during the dark of the moon.

**2292. Vain Observances from which Desired Effects Are Expected.**—(a) Useful results are sometimes expected, such as knowledge for the mind (notorious art) or health for the body (healing observances). The notorious art consisted in the repeating of certain formulas or the gazing upon certain figures, prayers and fasts at times being added, and it was supposed that these practices would obtain infused knowledge without the necessity of labor or study. Healing observances are remedies used for man or beast that manifestly have no natural curative properties (*e.g.*, a buckeye or rabbit's foot carried in the pocket to ward off rheumatism).

(b) Wondrous results are sometimes expected, such as the power to bring on storms, telekinesis, materialization, and levitation, through the use of incantations, theurgic sacraments, spiritistic rites, etc. This is known as the black art or black magic.

(c) Evil effects are sometimes expected, such as the power to blight another by a glance (evil eye or fascination), the power to cast a spell over another person by certain spoken words, to bring disease or misfortune on a person by piercing or striking his effigy, to excite impure love for a determinate person by the administration of love philtres or charms, etc. (sorcery, witchcraft).

**2293. Distinction between the Fact and the Sin of Vain Observance.**—(a) *The Fact.*—The demons have naturally powers over our world that surpass those of human or physical agents, and it is not impossible for them to produce prodigies or seeming miracles. The magicians of Egypt by enchantments and certain secrets changed rods into serpents, etc. (Exod., vii. 12, viii. 7); the New Testament narrates that Simon the Magician bewitched the Samaritans by his magic (Acts, viii. 11), and it clearly foretells the lying wonders of Satan and Antichrist (Matt., xxiv. 24; II Thess., ii. 9). But there are limits to the power of the fallen spirits; for example, they cannot infuse knowledge, and occultism has contributed nothing to the advancement of science or civilization. Moreover, many effects that have been attributed to demonic intervention were due to natural causes or to fraud (*e.g.*, a large proportion of spiritistic phenomena), or they were supposed to exist only because the popular mind was carried away by excitement or was bent on persecution (*e.g.*, most of the witchcraft accusations of a few centuries ago).

(b) *The Sin.*—Vain observance in which there is no express invocation of evil spirits is common enough; even religious, educated and practical persons are found to act on superstitious hopes or fears or to put confidence in charms or amulets. But vain observance that includes an express invocation of demons is a comparatively rare sin. It is not impossible, however, that a person should come to such a pass of despair or malice as to wish to have dealings with Satan, or should be so carried away by curiosity, desire of wealth, power, fame, or honor as to be willing to barter his soul in exchange for them. That there were professional wizards from ancient times is a matter of history, and Scripture contains severe prohibitions against dealings with them (Levit., xix. 31, xx. 27; Deut., xviii. 10).

**2294. Superstition in Religious Observances.**—Superstition is sometimes found even in religious observances. (a) Thus, there is superstition in the observance itself when vain additions are made to an approved usage (*e.g.,* the addition to a prayer against sickness of gestures, breathings, gibberish, etc., that have no significance of reverence for God). (b) There is superstition in the manner of the observance when one attributes the virtue of a sacred rite or object to some unimportant circumstance (*e.g.,* the shape of the reliquary in which a relic is carried, the "propitious" day on which a sacramental was received), or expects from a sacred thing an effect which it has no power to produce (*e.g.,* infallible certainty of salvation from the performance of a certain devotion or the presence of a holy picture or blessed object). It is not superstition, however, to attach significance to circumstances that have a sacred meaning (*e.g.,* holydays, figures that have a religious symbolism), or to put a confidence in sacred things that is based on their character or approved usage (*e.g.,* the hope and trust that blessings will be impetrated and salvation itself through fidelity to an authorized devotion).

**2295. Sinfulness of Vain Observance.**—The malice of vain observance is essentially the same as that of divination, for in both superstitions the same virtue of religion is offended by the sinful cult that is performed.

(a) Thus, there is mortal sin from the nature of the act, when vain observance is exercised with invocation of evil spirits or with false religious rites (for a serious injury is done to the honor due to God), or when a vain observance is meant to bring a curse or grave misfortune on a neighbor (for a serious injustice is willed).

(b) There is regularly only a venial sin, when a vain observance is of a non-religious kind, consisting in foolish heed given to chance happenings (such as a rabbit running across the road, the mention of death, the presence of a person regarded as a Jonah), or the use of improportionate means (*e.g.*, to change one's place at a card table in order to change the luck). For usually there is no irreverence in such practices, and at the worst they are foolish and idle acts. Often there is no sin at all, the vain observance being due to ignorance or the wish to joke.

(c) There is no sin at all, but rather subjective virtue, in religious practices to which on account of simplicity or invincible ignorance too much power is attributed, as when one who is faithful to the essential duties of religion has greater confidence in some personal devotion of his own than in them. But superstition of this kind, though in itself it is the least reprehensible form of superstition, may be very harmful and disedifying.

**2296. Coöperation in Divination or Other Form of Superstition.**—(a) Formal coöperation is of course never lawful (*e.g.*, to act as the medium or one of the deceivers at a spiritistic meeting). (b) Material coöperation is lawful only when there is a proportionately grave reason, no danger of sin, and no scandal. Thus, it seems that no sin is committed by a scientist who assists at a spiritistic seance in order to discover the frauds that are resorted to, or who makes experiments with table turning or planchette movements in order to examine into the theory that the phenomena are due to the action of the persons present.

**2297. Doubtful Cases of Vain Observance.**—Cases in which it is a matter of doubt or dispute whether divination or vain observance is present.

(a) There is sometimes uncertainty whether an extraordinary fact is due to natural or supranatural causes. Thus, authorities commonly take the position, it seems, that certain phenomena of Spiritism (*e.g.*, the apparently automatic movement of tables on which a group of persons rest their finger tips, the answers to questions that are rapped out by such tables), of hypnotism (*e.g.*, the somnambulism, in which the person hypnotized seems to be asleep and yet is subject to suggestion from the hypnotizer, seeing and hearing what the latter commands), of mental healing (*e.g.,* the cure of bodily ailments by sympathy or moral influence), are accomplished through natural powers of matter or mind. But other authorities incline to a supranaturalistic explanation.

(b) There is also at times uncertainty whether a fact or practice has a religious or an irreligious character. As to facts, they sometimes appear to be so marvellous as to pass the natural, and yet it is difficult to determine whether their source is good or evil (*e.g.,* when an ignorant person not noted for piety seems to have a remarkable ability for treating and curing all kinds of diseases). As to practices, they are sometimes susceptible of a religious or a superstitious interpretation. Thus, one who says, "God bless us," at a sneeze may intend a prayer against sickness; one who knocks on wood after boasting may intend a prayer to Him who died on the wood of the cross, lest he be punished for boasting.

**2298. Licitness of Using Doubtfully Superstitious Means.**—It is lawful to use means that are only doubtfully superstitious if the following conditions are present:

(a) internally or subjectively, there must be a good conscience about the use of the means. The rule can be followed that what is not certainly of a supranatural character may be regarded as natural, but that what seems to be supranatural is not to be ascribed to God unless it has the marks and fruits of a divine work. When lawfully using means of a dubious character, it is advisable to make an inner protestation that one acts from reasonable necessity, and has no wish to take part in superstition;

(b) externally or objectively, there must be nothing in the object or circumstances or results to make the use of the means illicit. Thus, even though a practice be not superstitious, it may be unlawful because of the immorality of its object or tendency (*e.g.,* frauds used by psychical researchers, obscene messages given by laboratory telepathists), or of its purpose (*e.g.,* table-rapping used as the instrument of pretended religious revelations), or because of the evil consequences for body or soul (*e.g.,* devotees of the ouija board give scandal to others and often end in insanity or suicide; loss of health or mental power sometimes follows on hypnotism).

**2299. Irreligiousness.**—We now proceed to the four sins that offend religion by defect, namely, temptation of God and perjury, which show disrespect to God Himself, and sacrilege and simony, which show disrespect to holy things (see **2273**). Perjury has been treated above (see **2249**), and hence we shall consider now only the other three forms of irreligiousness.

**2300. Temptation of God.**—Temptation of God is a word or deed that puts God to the test to discover whether He possesses or will exercise some perfection.

(a) It is a *word or deed,* such as a prayer whose purpose is to discover whether God is possessed of knowledge, power or goodness, or an act of defiance performed in order to prove that there is no God.

(b) It puts God *to the test,* that is, the temptation is not seductive (since it is impossible to influence God to sin), but experimental. He who tempts God desires that God give some proof of His attributes.

(c) It is concerned with *God,* hence there is no temptation of God if one legitimately tests out the character of a human being. God Himself tempted by trial holy men like Abraham, Job, and Tobias in order that their virtue might be manifested and an example given to others. And of spirits St. John says: "Believe not every spirit, but try the spirits if they be of God, because many false prophets are gone out into the world" (I John, iv. 1).

(d) The purpose is *to discover,* without regard to the ordinary means of instruction and guidance appointed by God, whether God possesses or will exercise an attribute; that is, temptation of God is due to unbelief or to presumption.

**2301. Cases Wherein There Is no Temptation of God.**—(a) To seek a proof of divine perfections is not temptation of God, if the purpose is only to find new reasons for what one already accepts, or to experience in an affective way what one already admits speculatively. Hence, a theologian may study the attributes of God with a view to further illumination; hence also, one may prove the sweetness of God or the goodness of His will from the spiritual taste or relish for divine things (Psalm xxxiii. 9; Rom., xii. 2).

(b) To seek a sign of God's will or a manifestation of His perfections is not temptation of God, if this is done, not from curiosity, ostentation or other vain motive, but from some reason of necessity or great utility, as when Gedeon prayed for a sign that the Lord had spoken to him or was with him (Judges, vi. 17, 37), or when Elias called on Jehovah to show His power before the worshippers of Baal (III Kings, xviii. 37). Hence, he does not tempt God who, when ordinary means of direction fail him in some critical affair, asks humbly for a sign of God's will; or who in a matter of great moment asks for miraculous help if it be pleasing to God to grant it; or who exposes himself to serious danger for some priceless good that cannot otherwise be had, in the trust that God will be with him.

**2302. Kinds of Temptation of God.**—(a) In relation to its source, temptation of God arises either from unbelief or from presumption. The former, which is temptation of God in the strict sense, exists when one disbelieves or doubts some attribute of God and seeks to put it to the proof, as when the Israelites in the desert called into question the providence and power of Jehovah (Exod., xvii. 7; Psalm lxxvii. 18, 19), or when a person doubting the Real Presence asks for a miraculous sight of Christ in the Eucharist. The latter sin, which is temptation of God in the wide sense, is committed when a believing person asks without a just cause for a miraculous manifestation of God's will, or powers, or of some other thing, as when a lazy man asks that his work be done in some miraculous way, or a rash man neglects the ordinary care of his health, asking that God supply for his carelessness. But temptation of God is not to be identified with the theological sin of presumption (see **1081**).

(b) In relation to its manner, temptation of God is either express or interpretative. It is express when one intends by one's word or act to put God to the proof in respect to knowledge, power, reliability, or other perfection (as when the Jews demanded that Christ come down from the Cross, if He were the Son of God) or to satisfy a vain curiosity or boldness (as when Herod asked Christ to work some miracles for his amusement). Temptation of God is interpretative when one does not intend to discover God's perfections or make presumptuous requests, but nevertheless so acts or omits to act that one's conduct is useful for nothing except temptation of God, as when a believer rashly promises a miracle to convince an unbeliever, a sick man refuses to use any medical care (Ecclus., xxxviii. 4), a lecturer goes entirely unprepared to his lecture, etc. Prayer made without the proper dispositions is a quasi-temptation of God (Ecclus., xviii. 23), because it is disrespectful and presumptuous; but it is not real temptation of God, nor of its nature mortally sinful, the direct end of the act being laziness or some other state of soul unsuitable to prayer.

**2302. Causes that Exclude the Interpretative Temptation of God.**—There is no interpretative temptation of God strictly speaking if one acts rashly or encounters danger, but does not at all expect miraculous or special intervention from God. This happens as follows:

(a) when one is unconcerned whether evil results or not, or desires that it may result (*e.g.*, when a person who is tired of life seeks a dangerous occupation for the diversion and excitement it affords, or when a person practises abstinence from certain remedies as an act of moderate mortification);

(b) when one does not wish the evil result, but is so stupid or rash as to believe that an imprudent risk can be taken and evil escaped through chance or good luck, as when a student goes up for a difficult examination with slight preparation, trusting that only the things he knows will be asked.

**2304. Refusal of Medicine or Hygienic Care.**—(a) If there is a sufficient reason for this conduct, no sin is committed. There may be sufficient reasons of a natural kind (*e.g.*, that the remedies are harmful or useless or too expensive), or of a supernatural kind (*e.g.*, St. Agatha refused all medicines because

God Himself was her physician, certain Saints were divinely inspired to make no effort to remove bodily maladies on account of the spiritual profit derived from them).

(b) If there is no sufficient reason for this conduct, it is sinful. Thus, one sins against faith, if the reason for the conduct is disbelief in the existence of evil (*e.g.*, Christian Science or Eddyism attributes sickness and pain to imagination, and says that the only cure is "faith"); one sins by temptation of God, if the reason for the conduct is vain expectation of miracles; one is guilty of suicide or homicide, if the purpose is to end life, etc.

**2305. The Sinfulness of Temptation of God.**—(a) To doubt the perfections of God, or to call upon the extraordinary Providence of God in disregard of the ordinary Providence He has established is the essence of temptation of God. It is sinful, because it includes either unjustifiable doubt or vincible ignorance in the intellect or presumption in the will. Hence the command given in Deuteronomy (vi. 16): "Thou shalt not tempt the Lord thy God." But invincible ignorance excuses from sin, and hence many of those who in times past resorted to ordeals by painful or dangerous tests (*e.g.*, walking on burning coals, risking death in deep waters), in order that God might settle a doubtful matter, were, on account of their good faith, guiltless of temptation of God. The practice was condemned by the Church in the ninth century.

(b) To doubt about the positive and unknown will of God, or to call upon the extraordinary Providence of God (*i.e.*, the direct intervention of the First Cause), without disregard of the ordinary Providence (*i.e.*, of second causes appointed by God), is not sinful, if it is justified by necessity. Thus, being unable to resist the nations leagued against him, Josaphat prayed: "As we know not what to do, we can only turn our eyes to Thee" (II Paral., xx. 12). And Our Lord promised the disciples that, when they should be unable to prepare their defense on account of the persecutions to which they were subjected, the Spirit Himself would speak through them (Matt., x. 19), and that He would enable them to do things as difficult as moving mountains when real necessity called for it (Matt., xvii. 19). It is not unbelief to doubt about matters pertaining to God that are really doubtful (*i.e.,* not His perfections, but His positive and unknown will), and hence one does not tempt God who asks for divine guarantees of a religion proposed as divinely revealed (see 795); it is not presumption to ask God for a sign or proof, if God directs one to do this (*e.g.,* Abraham in Gen., xv. 8, was inspired to seek a sign that the promised land would be given his posterity; Achaz in Isaias, vii. 11, was bidden for the sake of others to ask for a sign), or if, when a sign from God seems necessary or very useful, one prays for it prudently and on condition that the request is pleasing to God (*e.g.,* the Apostles in Acts, iv. 30, prayed for signs and wonders in confirmation of their preaching).

**2306. The Malice of Temptation of God.**—(a) It is a sin directly against religion, for one shows contempt to God when one demands that He prove His perfections, or when one takes the liberty to disregard the ordinary means He has established and to call for others. The sin is less, however, than that of superstition, since temptation of God professes doubt, while superstition professes positive error. Temptation of God offends also against other virtues, such as faith (*e.g.,* when one doubts the perfections of God), hope (*e.g.,* when one presumes that God will do all without one's coöperation), charity (*e.g.,* when a person exposes his own life to risk or his neighbor to scandal in a vain confidence that the danger will be miraculously averted).

(b) It is a mortal sin from its nature, since it offends religion. But it may be venial on account of the imperfection of the act, as when from weakness of faith or without reflection one asks unnecessarily for a sign (Luke, i. 11–20). It may be venial also from the lightness of the matter, if the temptation is interpretative, as when one presumes on the divine aid in a slight sickness, an unimportant talk, or other small affair.

**2307.** As a rule temptation of God is only a venial sin, and in an individual case it is rarely mortal, except in the following instances:

(a) when one intends a grave offense against God, as by doubting His goodness, demanding or attempting a miracle to satisfy curiosity;

(b) when one exposes oneself to grave peril, as by leaping from the roof of a high building, refusing all remedies or means of preserving health, neglecting to provide for one's sustenance, etc., in the expectation that God will miraculously provide;

(c) when one causes grave harm to others, as when a person rashly asking for signs exposes faith to the derision of unbelievers or scandalizes believers.

**2308. Sacrilege.**—Sacrilege in the wide sense is any sin against the virtue of religion. But in the strict sense, in which it is now taken, it is defined as "the violation of a sacred thing."

(a) Sacrilege is against a *thing*, that is, against some person, place or object dedicated to divine worship as a possession of God. Sacrilege differs from the two previous sins of irreligiosity (namely, temptation of God and perjury); for they are against the reverence due to God Himself, while sacrilege is against the reverence due to things on account of their use in the worship of God.

(b) It is against a *sacred* thing, that is, against the sanctity which a thing acquires from its dedication to God (*e.g.*, when a church or a chalice is consecrated to divine worship, when a virgin is dedicated to God by vow), or from the immunity or privilege conferred on it by the Church on account of its dedication to God (*e.g.*, the clerical privileges of forum and of canon in Church Law). But sacrilege is present only when a sacred thing is attacked in that special quality or relation in which it is sacred. Hence, he who violates the chastity of a virgin consecrated to God is guilty of sacrilege, since it is her chastity that was vowed to God; he who strikes her is also guilty of sacrilege, since he attacks the sacred immunity which the law confers on her; he who calumniates her or steals from her is not guilty of sacrilege, since her name and goods are not consecrated to divine worship nor protected by its special sacredness in law.

(c) Sacrilege is a *violation*, that is, an action or omission physically or morally injurious to the sacred character of a person, place or thing. The difference between the injury done in sacrilege and that done in simony is that the former injustice belongs to the class of wrongs inflicted in involuntary commutations, such as theft or robbery (see **1748, 1815**), whereas the latter injustice pertains to the category of wrongs perpetrated in voluntary commutations, such as buying, selling, or lending. In both cases there is an injury to the property or possession of God, but the difference is that in sacrilege the parties involved are the sacrilegious person acting as aggressor against God, in simony the parties are two men bargaining together to buy and sell the sacred things of God.

2309. **What Kind of Consecration Must Be Violated to Constitute Sacrilege?**—There are various opinions about the kind of assignment to worship necessary for the sacredness which is injured by sacrilege.

(a) The opinion that seems to be common today holds that the assignment must be made through some public rite or consecration on the part of the Church. Hence, according to this view, the violation of a private vow or resolution is not sacrilegious, but rather perfidious or disloyal. The argument for this opinion is that the public acceptance of the Church, which has control over divine worship, is a necessary factor in making anything sacred to that worship; and that many absurdities would follow from the principle that each individual has the power to give the sacredness in question to his own person, acts or possessions.

(b) According to a stricter opinion, no public assignment is necessary if the consecration is a personal one; and hence the violation of even a private vow of chastity would be sacrilegious. The argument is that even a private vow affecting the person sets it apart as a sacred thing.

(c) According to a still stricter view, no public assignment to worship is necessary, whether the consecration be personal or non-personal, and hence even the violation of a vow to fast would be sacrilegious. The argument is that anything set apart for God's honor, either publicly or privately, becomes sacred to Him.

**2310. Is Sacrilege a Special Sin?**—(a) As regards its matter or subject sacrilege may be called, though improperly, a general sin, in the sense that many different classes of sins may be sacrilegious (*e.g.,* murder is sacrilegious when a sacred person is killed, lust is sacrilegious when a person vowed to God is violated; theft is sacrilegious when objects consecrated to divine worship are stolen, etc.

(b) As regards its form or essence, and hence properly speaking, sacrilege is a special sin, because there is a peculiar deformity contained in the very nature of sacrilege that is not in other sins, namely, the disrespect shown to God through contempt for things that are sacred to Him. Moreover, there may be a sin of sacrilege that is separate from other sins, such as murder, lust, and theft, for example, when the right of asylum is violated.

**2311. The Species of Sacrilege.**—(a) Personal sacrilege is committed when the sacredness of a person is violated. This happens in the first place when bodily or real harm (*e.g.,* gravely sinful striking, citing before a secular tribunal, subjecting to civil duties or burdens, such as military service) is done to a cleric; and in the second place when a grave sin of unchastity is committed by or with a person dedicated to God by a vow (at least by a public vow) of chastity. Sacrilege committed through bodily or real harm is treated by canonists under the questions of the privileges of canon (Canon 119), forum (Canon 120), immunity (Canon 121). Sacrilegious impurity committed with a person vowed to chastity is any grave and external sin of lust, such as obscene talk or acts, but sacrilegious impurity committed by a person vowed to chastity is any grave sin of lust, even though it be only a thought or desire.

(b) Local sacrilege is committed when the sacredness of a place is injured. A place is considered sacred or religious when it possesses sanctity as being consecrated or blessed for divine worship or for burial of the faithful, or when it enjoys certain immunities on account of its religious purposes (*e.g.*, parish rectories, monasteries, seminaries, church hospitals). Injury is done to the holiness of a place by desecration or profanation. *Desecration* is the performance in a sacred place of a notorious act of irreverence which so spiritually contaminates it that the divine offices may not be lawfully celebrated therein until the rite of reconciliation has been performed. Canon 1172 enumerates four causes of desecration: the crime of homicide, the injurious and serious shedding of human blood, impious or sordid uses (*e.g.*, if a church were turned into a brothel or gambling den, a dump, or cattle stable), and burial of an infidel or excommunicated person. *Profanation* of a sacred place is a disregard for the religious respect or immunity due to it which in some sort materially contaminates it (*e.g.*, if a church is not kept neat and clean; if markets and fairs are held in its precincts; if it is used for shows, plays, moving pictures, banquets, court proceedings; if the right of asylum is violated; if the church is broken into, seriously defaced, burned). These matters are treated more fully in commentaries on Canons 1172 sqq.

(c) Real sacrilege is committed when the sacredness of an object is violated. An object is sacred when it contains the Author of holiness or confers holiness (*viz.*, the Eucharist and the other Sacraments), when it is naturally related to the Sacraments or sacred persons (*e.g.*, the sacred vessels, images and relics of the Saints), when it is set aside for the uses of worship (*e.g.*, holy water and other sacramentals, candles for the altar) or the maintenance of the Church or its ministers (*viz.*, movables and immovables of a parish, money left for the support of the clergy, seminarians, etc.). Injury is done to the holiness of an object by unworthy treatment or by unjust damage or conversion. Examples of unworthy treatment are the following: the invalid or sinful administration or reception of a Sacrament, parodies of Sacred Scripture, scandalous manner of enacting sacred rites or saying prayers, use of sacred chalices or other sacred vessels or of blessed articles for profane purposes, use of unblessed holy articles for sordid or ignoble purposes, handling of chalices, etc., by those who have no right to touch sacred vessels (Canon 1306). Examples of unjust damage or conversion are: contemptuous breaking or burning of relics, oils, pictures used for worship; theft of moneys or goods belonging to the Church.

**2312. Special Cases Regarding Local Sacrilege.**—Local sacrilege is not committed by every sin, even though grave, that is done in a holy place, for the character of this sacrilege is that it be such an injury to the sacredness of the place as to make what should be hallowed seem horrible, or contemptible, or common. Hence, there is no sacrilege in detractions, lies, perjuries, blasphemies, or in most internal sins, when committed in a church or cemetery. But there are two kinds of sins which are sacrilegious profanations of holy places, namely, theft and impurity.

(a) Theft in a holy place is certainly sacrilegious when the thing taken is sacred (*e.g.,* a chalice, money in the votive stands). It is probably sacrilegious when the thing taken is not sacred (*e.g.,* the pocketbook of a person kneeling in the church), at least if the thing taken was left in the custody of the place.

(b) Impurity, if external and perfect (*voluntaria effusio seminis*), is sacrilegious, though under the Code it does not seem to be a desecration. The same is probably true of external but imperfect sins (such as touches, looks, words, gestures), and applies even to the *actus conjugalis* exercised without necessity. Internal acts of impurity are not sacrilegious, unless they include a desire to sin externally in a holy place.

**2313. Cases Wherein There Is No Sacrilege.**—In the following cases no sacrilege is committed:

(a) when the thing violated is not sacred. There is no personal sacrilege in an act of unchastity committed by a person privately vowed to chastity (common opinion), nor by a person vowed to chastity by public but simple vow (probable opinion). There is no local sacrilege in the profane use of a place that is pious, but not sacred or religious, that is, a place devoted to works of piety but not specially set apart for them by church authority (such as a private oratory, or a hospital conducted by the laity), nor in the burial of infidels in an unblessed graveyard. There is no real sacrilege in profane use of things which are not set apart exclusively for sacred use (*e.g.,* to use the candelabra and candles of the altar to read by in one's room), or which have not been made sacred (*e.g.,* to steal money promised but not delivered to the Church or the personal belongings of a cleric);

(b) when the thing injured is sacred, but the action or omission is not opposed to the attribute in which it is holy, or to a law made to ensure respect for it. Thus, a person who has the vow of chastity does not commit sacrilege if he becomes intoxicated or uses profane language, for he was not consecrated against those sins; a sacred place is not sacrilegiously violated by an act not opposed to its holiness or the respect demanded for it by the law (*e.g.,* organ recitals or awards for Christian Doctrine in church, sale of candles in the vestibule, physical violence against a disturber of divine service). Sacrilege is not done in reverently destroying an old and tattered vestment, in respectfully handling agnus deis, relics, unused palls, and other objects that may be touched by all.

**2314. Sacredness as Aggravating Circumstance of Sin.**—But a sin that is not sacrilegious is often made worse by reason of the sacredness of some thing with which the sin is connected. (a) Thus, the sin is aggravated by such circumstances as person and place. In this way it is worse for a person vowed to God to blaspheme or lie than for one who has no vow; it is worse to carry on frivolous or calumnious conversations in church than on the street. (b) The sin receives the additional malice of sacrilege if the sinner expressly intends the circumstance of time, place, etc., in order to show contempt. Thus, it is not sacrilege to get drunk on a Sunday or holyday, unless one wishes by the sin to show dishonor to the sacred time; it is not sacrilege to conduct oneself with levity in church, unless one wishes by the levity to show contempt for the place.

**2315. The Malice of Sacrilege.**—(a) The *moral* malice of sacrilege is that of irreligiousness (see **2299**). The three kinds of sacrilege (personal, local and real) are commonly regarded as three distinct species of sin; for, just as injuries done to a man's person, to his immovable property, and to his movable goods are looked upon in law as different kinds of offenses, so are injuries offered to the ministers of God, the house of God, and the objects used in the service of God unequal in the dishonor which they give to God before the public. More probably there are no sub-species of these three classes of sacrilege. Hence, in so far as the disrespect to God is concerned, there seems no essential difference between the sin of violating and that of striking a consecrated virgin.

(b) The *theological* malice of sacrilege is mortal from the nature of the sin. Just as it is gravely insulting to a man to treat his representatives or his home or chattels with contempt, likewise disrespect for the things of God is disrespect for God Himself. The seriousness of sacrilege is seen from the punishments visited on Core, Dathan and Abiron (Num., xvi), on the sons of Heli (I Kings, ii. 17, iv. 11), on King Balthasar (Dan., v. 2 sqq.), and on the sellers in the temple (John, ii. 14). Sacrilege may be venial, however, on account of the imperfection of the act (*e.g.,* when one strikes a priest without reflecting that he is a clergyman) or the smallness of the matter (*e.g.,* to quote Scripture in a decent joke, to use altar linen that is only slightly soiled or torn, to touch the chalice without permission, to steal a few pennies from a church).

**2316. Conditions that Govern Gravity of Sacrilege.**—To decide in a concrete case whether a sacrilege is gravely or lightly sinful, one should consider the internal state of mind of the offender and the external character of the offense. (a) Thus, if the purpose is directly and formally to dishonor God, the sin is grave, but, if there is some other purpose, it may be light. (b) If the thing dishonored is more closely related to God, or if the act of dishonor is in public estimation more insulting, the sin is more serious. Unworthy treatment of the Eucharist is the worst of sacrileges; ill-usage of a sacred person is worse than disrespect for a sacred place; treading the Sacred Species under foot is more contemptuous than an unworthy Communion, etc.

**2317. Simony.**—Simony derives its name from Simon Magus, the first person in New Testament times, as far as we know, who committed this crime. For it is written of Simon (Acts, viii. 18 sqq.) that he attempted to buy from St. Peter the power of imposition of hands. But the sin was not unknown in the Old Testament, as we see from the examples of Baalam (Numb., xxii. 7), Giezi (IV Kings, v. 20 sqq.), and Jason (II Mach., iv. 7 sqq.).

**2318. Definition of Simony.**—Simony is defined as "the studied will to buy or sell for a temporal price or consideration something that is spiritual either intrinsically or extrinsically."

(a) Simony is in the *will*, for it is an act of injustice pretending to have or to receive the right of dominion over spiritual things that belong to God alone, and injustice is a vice of the will. Hence, simony is not an internal sin of the intellect; for, though one who practises simony externally makes to some extent a profession of belief in the heresy that man is the owner of spirituals and gives grounds for the suspicion that he holds that the sale of spirituals is lawful, yet he may know well that the things of God are priceless and still wish to give or receive a price for them. Again, simony is not to be identified with the external act of bargaining for spirituals; for, though the law punishes only external or completed simony, the guilt and malice of the sin is present even when one has the desire to traffic in spiritual things, but makes no overtures or compact.

(b) Simony is a *studied* will; that is, it is an act of free and deliberate choice selecting some form of internal or external simony as a desirable means. Hence, it is not sufficient for the sin of simony that there be an internal wish not fully voluntary on account of inculpable ignorance or imperfect consent; nor, on the other hand, is it necessary for incurring the guilt of simony that there be a mutual pact, but it suffices that one party alone have the will to make the pact or to obligate another party to simony.

(c) It is a wish *to buy or sell*, that is, to give or receive a temporal thing in exchange for a spiritual thing. There is question here, then, not only of the contract of sale, but of any other form of onerous contract, such as hire, rent, loan, exchange, *do ut des, facio ut facias,* etc. To be simoniacal, however, a contract need not be fulfilled or explicitly manifested; it suffices that it be unfulfilled or tacitly made, if the sinful intent can be gathered from the circumstances of the case. Hence, from the present part of the definition it follows that there is no simony in a gratuitous contract (*e.g.,* when one gives a gift to another hoping and expecting that the later from gratitude will give in return something spiritual which it is lawful to bestow from gratitude; when a poor person offers to make a novena for benefactors who give him an alms). It is simony, however, to make an onerous contract under the guise of a gratuitous contract, for example: "I give you this money as a pure gift on condition that you will not be ungrateful but will give me this spiritual favor as a pure gift."

(d) The *price* or consideration in simony is some thing, action or forbearance which in some way is of advantage to the recipient. Simony in the strictest sense is committed when a temporal thing is offered for a spiritual thing (*e.g.,* money paid for a Sacrament); simony in the wide sense is committed when, contrary to the law on simony, things like in character are exchanged (**2323** a). Thus, if the Church forbids Mass to be exchanged for Mass, or benefice for benefice, or the office of sacristan for that of sexton, transgressors are guilty of the second form of simony.

(e) The matter of simony is *something intrinsically or extrinsically spiritual.* In general, the spiritual is that which proceeds from God or tends to Him as the Author or End of eternal salvation (*viz.,* the destiny, law, means, works, etc., proposed to us in Christian revelation and religion). Among these things those are intrinsically spiritual that pertain to the supernatural order on account of some inherent character of their own (*e.g.,* grace, Sacraments, Mass, miracles) or some intimate union with things spiritual (*e.g.,* benefices attached to spiritual offices, consecration to be given a chalice); those are extrinsically spiritual that are in themselves temporal, but in church law are treated as spiritual for the sake of reverence to the intrinsically spiritual (*e.g.*, chrism in regard to the material itself of the oil and other ingredients). If the matter of a contract is neither intrinsically nor extrinsically spiritual, there is no simony in buying or selling it (*e.g.*, devotional books, household furnishings of a rectory, personal effects of a cleric).

**2319. Temporal Price in Simony.**—The temporal price in simony is some temporal good or advantage. St. Gregory the Great distinguishes three kinds of simoniacal prices as follows:

(a) the price from the hand (*munus a manu*) is either money or things that have a money value, such as movable or immovable property, corporeal or incorporeal rights. It would be simony to give a benefice in exchange for a sum of money, for a loan, for real estate;

(b) the price from the tongue (*munus a lingua*) is any kind of patronage, such as praise, recommendation, protection, defense, opposition to competitors, etc. It would be simony to confer a benefice in exchange for the influence in one's favor which the recipient of the benefice would exercise with some powerful person, for his vote in an election, etc.;

(c) the price in service (*munus ab obsequio*) is any kind of temporal labor or assistance given for another's benefit, such as the management of his business or the instruction of his children. It would be simony to grant a benefice in exchange for work done as secretary, treasurer, or advisor.

**2320. The Spiritual Thing in Simony.**—The thing inherently spiritual in simony is also of three kinds. (a) That which is spiritual from its nature is a thing that is supernatural in itself, such as sanctifying grace, the Gifts of the Holy Ghost, and the power of orders or of jurisdiction. (b) That which is supernatural from its cause is a thing produced by a supernatural agency or power, such as health obtained through miracle. (c) That which is supernatural from its effect is a thing having the virtue of producing supernatural results, *ex opere operato*, or *ex opere operantis*, or as an occasion (*e.g.*, Sacraments, prayers, sermons).

**2321. Temporal Thing United with Spiritual.**—In the two following ways things are made spiritual in reference to simony through intimate union with spirituals: (a) by necessary connection, when a temporal thing is so annexed with a spiritual thing that it cannot exist without it. This includes the things annexed consequently, and perhaps also those annexed concomitantly and intrinsically (see **2322**); (b) by contractual connection, when a spiritual and a temporal are the partial objects of a contract, as when in the sale of a consecrated chalice the price is raised on account of the consecration.

**2322. Temporal Thing Annexed to Spiritual.**—In three ways a temporal thing is annexed to a spiritual thing.

(a) The temporal thing is annexed antecedently if it precedes the spiritual thing as its prepared or appointed or presupposed matter or subject. Thus, all things that receive a consecration or blessing (*e.g.*, chalices, rosaries) or a property to which a right of patronage is attached are of this kind. Relics are properly of this category, but, since they have usually no material value, it is customary to include them amongst spirituals.

(b) The temporal thing is annexed concomitantly if it is simultaneous with the spiritual thing as being the action or labor that produces it. If the union is essential and inseparable, the temporal thing is said to be annexed intrinsically (*e.g.*, the work performed in saying Mass, preaching, making a sick call); if the union is not essential, the temporal thing is said to be annexed extrinsically (*e.g.*, the special work performed in saying Mass, if it has to be sung, or said in a distant church, or at a determined hour).

(c) The temporal thing is annexed consequently when it presupposes the spiritual thing as the cause on which it depends. Thus, the revenues of a parish are a temporal thing, but they follow on the pastoral office which is a spiritual thing.

**2323. The Various Kinds of Simony.**—(a) In reference to its matter or the law violated, simony is either against natural and divine law or against positive ecclesiastical law. Simony against divine law consists in the exchange for temporalities of things that are spiritual or intimately annexed to the spiritual (see **2321**), such as Sacraments, indulgences, or jurisdiction. Simony against church law consists in an exchange that has the appearance of simony against divine law, or that easily leads to simony against the divine law, and is consequently forbidden by the Church in order to safeguard religious respect for sacred things, as when one violates the law by taking money for holy oils. In the former kind of simony, things of different orders (spirituals and temporals) are exchanged one for the other; in the latter kind of simony, things of the same sort (spirituals for spirituals, temporals for temporals, etc.) are exchanged where the law forbids (Canon 727).

(b) In reference to its manner, or the way in which it is committed, simony is internal or external. Internal simony is the will, without the external agreement, to exchange spirituals for temporals; it is purely mental if nothing external is done by reason of the internal will; it is not purely mental if something external is done by reason of the internal will (*e.g.,* if the person who desires to commit simony makes a money present to another in the hope that the latter will feel morally bound to give something spiritual in return, or if one gives something spiritual looking for a substantial gift of money as compensation). External simony is an outward pact freely entered into between two parties to exchange spirituals for temporals. It is called purely conventional, if neither party has as yet performed his part of the agreement; it is semi-real or mixed, if one of the parties has executed his part; it is real if both parties have performed, at least in part, what they agreed to. A simoniacal compact is explicit, if expressed by clear words or signs (*e.g.,* "I will pay $100 for your vote"); it is tacit, if circumstances indicate the evil intention (*e.g.,* very unusual presents given before an election).

**2324. Confidential Simony.**—Simony committed in reference to benefices is called confidential because the contract is illegal, giving no judicial protection, and there is only the confidence or reliance on another's word to give assurance that the agreement will be kept. Canonists discuss at length the following contracts in which it is committed:

(a) the contract *per accessum* grants a benefice with the agreement that the grantee will later resign, so that access to it may be had by the grantor or a third party at present incapable;

(b) the contract *per ingressum* resigns a benefice not yet taken possession of with the understanding that the person who now enters into possession will leave the place open for his predecessor if he himself resigns or is promoted;

(c) the contract *per regressum* resigns a benefice already possessed with the understanding that it may be recovered by the person now resigning or by a third party;

(d) the contract *per reservationem partis* obtains a benefice for another with the stipulation that he will pay a certain percentage of its revenues to the person who obtains it for him or to a third party (see Canon 1441).

**2325. Simony Against Divine Law.**—Simony against divine law is committed in reference to spiritual things when a temporal price is formally or virtually given or received for them.

(a) Thus, the temporal thing is formally set up as the price, when it is regarded or treated as the end of the spiritual thing or action itself (*finis operis*), one of the things exchanged being used as the measure of value of the other. This happens when a person wills to buy or sell a spiritual thing, either because he thinks that its value may be expressed in terms of money or other temporal thing, or because he judges that he should treat it as though money were its equivalent, as when one fulfills a spiritual office and excludes every other motive than that of lucre (Denzinger, n. 1196).

(b) The temporal thing is virtually set up as the price, when it is intended as the sole proximate end of the agent himself (*finis operantis*), though there is no explicit thought about values or prices or comparisons. This happens when one gives a temporal thing and has no other immediate personal purpose in this act than the acquisition of a spiritual thing, or performs a pretendedly gratuitous service, intending thereby to obligate the beneficiary to the grant of some spiritual benefit, or bestows a ''gratuitous'' temporal favor as compensation for a spiritual benefit or vice versa (Denzinger, n. 1195). This is simony, for he who explicitly intends only an exchange, implicitly intends a price; and if it were not simony, then simony would be almost entirely an entity of the mind, since it is a very simple matter to will that the temporal thing exchanged shall be not the price, but only the motive of the contract or gratuitous compensation.

**2326.** The temporal thing is not made the virtual price of the spiritual thing, if there is a lawful proximate motive (*i.e.*, one recognized by the Canons or legitimate custom) for giving the temporal thing and the desire of receiving the spiritual thing is only the remote reason or occasion of the act. For in such a case the temporal thing is given for a lawful purpose and is not the price of a spiritual thing.

Examples: (a) If the recipient of the temporal thing has a right to it, there is no simony. Thus, the ministers of the altar have a right to their support (see **2186**), and it is not simoniacal, when asking spiritual things from them (*e.g.*, the application of Mass to one's intention, the performance of Sacraments and sacred functions), to offer a stipend or fee; (b) if the bestower of the temporal thing gives it freely out of pure friendship, liberality, charity, gratitude or good will, so that it is an absolute gift, there is no simony, even though he hopes or expects that he will receive something spiritual as a mark of appreciation. But "a charitable or friendly gift" may easily be palliated simony; that is, there may be a pretense of liberality to conceal the real purpose of purchasing spirituals with temporals.

**2327. Rules of Alexander III for Determining Simony.**—Alexander III gave several rules for determining whether a gift is made from liberality or with simoniacal intent.

(a) The following are marks of simoniacal intent: the quality of the giver (*e.g.*, that he is poor, or in great need, or not customarily generous), the quantity of the gift (*e.g.*, that it corresponds with the value of a vacant benefice, that it is surprisingly large), the time of the gift (*e.g.*, that it is made when the donee is not in any special need, or when he is about to confer an office, or after hints have been made). If a gift is bestowed in connection with a spiritual thing received, the presumption is for simoniacal intent, unless there was a sincere and reasonable motive for the gift.

(b) The following, on the contrary, are marks of a liberal intent: the quality of the giver (*e.g.*, that he is wealthy, noted for kindness and compassion, or liberal to all, or is a relative of the donee); the quantity of the gift (*e.g.*, that it is small or normal in size), the time of the gift (*e.g.*, if it is made when necessity, festal occasion, or the like calls for it).

**2328. Simony against Divine Law in Reference to Things Annexed to Spirituals.**—(a) It is simony against divine law to buy or sell things annexed to spirituals consequently (*e.g.*, the revenues of a benefice) or concomitantly and intrinsically (*e.g.*, the ordinary labor and fatigue connected with preaching, saying Mass); for in the former case the temporal grows out of a spiritual and is morally one with it, while in the latter case the temporal has no value except in so far as it is joined with the spiritual.

(b) It is not simony against divine law to buy or sell things annexed to spirituals antecedently (*e.g.*, blessed candles, sacred vestments), if the price is not raised on account of the spiritual thing, or things annexed concomitantly and extrinsically (*e.g.*, the extraordinary labor and fatigue caused by saying Mass in a distant place or at a late hour); for in both cases the temporal has its own proper value and is not considered as inseparable from the spiritual. There is simony against divine law, however, if the price is raised on account of the spiritual part (*e.g.*, if something is added for the blessing given a candle), and simony against church law if the transaction is forbidden as simoniacal (*e.g.*, deductions and payments made in the act of preferment to a benefice are contrary to Canon 1441).

**2329. Conditions Necessary for Simony against Ecclesiastical Law.**—(a) There must be an exchange through some kind of onerous contract, but it suffices that the understanding be tacit and non-executed, as was explained above (see **2323**).

(b) There must be a law of the Church which, from a motive of respect for sacred things, forbids the exchange.

(c) The simoniacal exchange is made, whether a temporal annexed to a spiritual is given for another temporal annexed to a spiritual (*e.g.*, benefice for benefice), or a spiritual for a spirtual, or a temporal for a temporal. Canonists enumerate the following as examples of simony of ecclesiastical law: gifts made in connection with a competitive examination for a parochial benefice, with ordination or grant of certain testimonial letters (Canon 545), with erection of confraternities; sale of blessed oil or chrism, or of the right of patronage (Canon 1470); remuneration for collection of stipends or for expenses of Mass (Canons 840, 1303).

**2330. Certain and Uncertain Simony.**—(a) Cases in which simony is certain are the administration of Sacraments or sacramentals to the unworthy for the sake of the fee or favors, the sale of indulgences, taxes or charges made contrary to law (*e.g.*, for a Mass of bination). Other examples are given in **2323 sqq.** The Church demands that certain ministrations (*e.g.*, Confirmation, Eucharist, Penance, Extreme Unction, Orders) be gratis, but there may be local customs or conditions that justify exceptions. Some moralists teach that there is no simony when a stipend is exacted for an obligatory ministry, if the simoniacal motive is absent.

(b) Cases in which simony is controverted are those in which a tax or stipend in excess of what is just or lawful is exacted (*e.g.*, a Mass stipend higher than custom permits). Some claim there is simony, because the excess must be for the spiritual thing; others hold that there is no simony, but only an unjust increase in the stipend allowed for support; others say that there is no simony in the internal forum if the intent is not simoniacal, but that there is simony in the external forum on account of the presumption of simoniacal intent.

**2331. Doubtful Cases of Simony.**—In some gifts and payments the presence or absence of simony depends on the object for which they are given.

(a) Thus, when they are given for omission of a spiritual act, there is simony if the omission includes the exercise of spiritual power (*e.g.*, to omit absolution is to retain sins or censures); there is no simony if the omission is the mere exercise of free will (*e.g.*, to omit Mass, confession).

(b) When they are given for omission of opposition or annoyance, so that one may be able to obtain some office or benefice, there is simony if the temporal thing is thereby given for the benefice itself or for the way to it (*i.e.,* if one has no strict right to the spiritual thing, or if the opposition is just), as when the candidate for a benefice pays a competitor to withdraw, or pays an accuser to keep silence; there is no simony if the temporal thing is given for freedom from unjust vexation (*i.e.,* if one has a strict right to the spiritual thing and the opposition is clearly unjust, as when one who has acquired a right to an office pays an enemy to desist from placing impediments). The payment made by Jacob to Esau for the birthright, to which Jacob was entitled by divine disposition, may be regarded as having had for its end, not the paternal blessing and other spiritual rights of the first-born, but immunity from persecution by Esau.

(c) When they are given for instruction, there is simony if the instruction has for its direct purpose the spiritual benefit of the disciple (*e.g.,* catechetical instructions, sermons, spiritual direction); there is no simony if the instruction has for its direct purpose the improvement of the mind or the utility or advantage which the disciple will derive from it (*e.g.,* instruction in theology, preparation for examinations).

(d) When they are given for admission to religious life, there is simony if the money is paid for the religious state itself, the vows, or other spirituals; there is no simony if the money is paid for the temporal support of the religious institute, that it may be able to meet its expenses.

**2332. Cases in Which a Transaction Is Not Simoniacal, but Lawful.**—(a) There is no simony when a temporal is given on the occasion of but not for a spiritual. This happens when there is a just title for bestowal of the temporal, such as right of support (*e.g.,* pastors' salaries, Mass stipends, fees), extrinsic values in a work or object (*e.g.,* the special labor in saying Mass under certain conditions, and, according to some, the special affection one has for a relic, the *lucrum cessans* on account of some function performed).

(b) There is no simony when something of value is given in exchange, but not for a spiritual, nor in contravention of an anti-simony law. This happens whether like be exchanged for like (*e.g.*, Mass for Mass), or a temporal for a thing associated with a spiritual as the latter's subject (*e.g.*, money for a rosary or cemetery plot which has been blessed). In the former case there is no prohibition; in the latter, the temporalities have their own distinct values which may be paid for, if the price is not raised on account of the spiritual (see Canons 730, 1539).

**2333. Cases in Which a Transaction Is Not Simoniacal, but Is Sinful.**—(a) *Sins against God.*—One who performs functions of religion primarily and principally, as far as his personal motive (*finis operantis*) is concerned, for the salary, stipend or fee, is not guilty of simony, since he does not regard the temporal even virtually as the price of the spiritual. But he does sin by indevotion, and the sin may even be mortal (*e.g.*, a canon goes to choir chiefly because this yields him a living). Offenses committed in the matter of Mass stipends are not called simony in the Code, but the penal law classes them with offenses against religion, as may be seen from Canon 2324. Nepotism, favoritism in giving offices, and political and dishonest maneuvers to obtain church dignities are not in themselves simoniacal; but they are an unworthy and scandalous treatment of sacred things.

(b) *Sins against Others.*—It is not simony but injustice to deny the Sacraments to parishioners who do not contribute, to overcharge in lawful fees, and also, according to some, to take money for the omission of a spiritual act owed in justice (*e.g.*, for refusal to hear the confession of a parishioner), or to demand money as the stipend for the performance of such a spiritual act (*e.g.*, for hearing a confession). It is disobedience to take money in ways forbidden (*e.g.*, to take Mass stipends in the confessional, to earn money by gambling or trading forbidden in the Canons). Again, it is not strictly simony to put up as the stakes in a game a spiritual thing (*e.g.*, the recitation of the Rosary) against a temporal thing (*e.g.*, ten dollars), for there is no intention to value the spiritual thing by the temporal; but such a practice is scandalous. Greed about getting or keeping money pertains to avarice, not necessarily to simony.

**2334. Cases in Which a Transaction Is Not Simoniacal, but Virtuous.**—(a) Some acts done in God's honor (*e.g.,* to purchase a spiritual object, such as a sacred vessel or relic, from a person who would misuse it), when the purchaser intends the prevention of profanation. It is certainly not irreverence to a sacred thing to use means necessary to rescue it from such irreverence.

(b) Some acts done for the good of others (*e.g.,* to give prizes to children who frequent the Sacraments or Sunday school, dowries to young girls that they may be able to enter religion, free education to worthy young men as an inducement to embrace the ecclesiastical state). In all these cases there is no purchase of a spiritual thing, because the temporal is a pure gift, and the spiritual is received, not by the giver of the temporal, but by another. There is no simony in the fees imposed for dispensations or in the alms sometimes prescribed for indulgences; for the temporal is not a price paid for the spiritual, but in the one case either a penance or a charge for expenses, and in the other a spiritual good work and duty prescribed as a condition for a spiritual benefit.

(c) Some acts done for the spiritual good of self (*e.g.,* if one were in danger of death and could be baptized only by a person who demanded money for the service, it would not be simony to pay the money, since the price would be offered, not for the Sacrament, but for the removal of an unjust annoyance).

**2335. Theological Malice of the Sin of Simony.**—(a) Simony against the divine law is a mortal sin from its nature and in every instance. No matter how small the spiritual thing that is sold, it is priceless, and a grave injury is done by putting a price on it. Simony is a serious injury to God, since it usurps His place as the only Lord of spiritual things (I Cor., iv. 1), to the spiritual things themselves, since it estimates their worth by vile material gain (Prov., iii. 15; Acts, viii. 20), and to the recipients, who should receive the gifts of God freely (Matt., x. 8). Hence, St. Peter denounced Simon Magus as deserving of perdition (Acts, viii. 20), and in law simony is spoken of as the worst of pests, a cancer, leprosy, a scourge.

(b) Simony against ecclesiastical law is a mortal sin from its nature, since it is forbidden as a protection to religion and under grave sin; but in particular cases it may be only a venial sin, since the church laws do not bind under grave sin, when the matter or the danger is not serious, as was said in **382.**

**2336. Moral Malice of the Sin of Simony.**—(a) Simony is reducible to real sacrilege (see **2311** c). It is treated separately for the sake of convenience, on account of the large number of questions that pertain to it, and also because there is reason to consider it as a distinct species of sin (**2308** c). Hence, the moral malice of simony is that of irreligiousness.

(b) Simony of divine law and simony of ecclesiastical law, according to the more common and likely opinion, are alike, not only as to penalties, but also as to moral malice. For although the mere prohibition of the Church does not make a non-sacred thing sacred, it does make the non-sacred thing unsaleable precisely because related to things that are sacred. In other words, the motive of the law is the protection of sacred things against the appearance or danger of simony, and the motive of the law is the factor that determines the moral character of precepts and prohibitions of human law. Thus, to miss Mass on Sunday is a sin against religion, because the Church commands in virtue of religion that Mass be heard on Sunday; to eat meat on Friday is a sin against temperance, because the Church forbids the use of meat on Friday in virtue of temperance. Hence, it is not merely disobedience, but simony, to violate a law which forbids a certain contract because of its nearness to the sale of spirituals for temporals. Moreover, he who wilfully exposes himself to the immediate danger of some sin wills the malice of that sin.

**2337. Invalidity and Penalties of Simoniacal Contracts.**—(a) Every simoniacal contract is invalid and of no force either in the external or in the internal forum, because it sells what is unsaleable under divine or ecclesiastical law. If the contract has to do with benefices, offices or dignities (*e.g.*, "You vote as I wish and I will give you such and such favors," "You obtain for me such a dignity and I will pay you well"), the appointment to them is rendered null and void, even though the simoniacal act be done by a third party without the knowledge of the beneficiary, unless it be done by that third party to injure the beneficiary or against his protest (Canon 729). Invalidity is also produced in case of simoniacal resignations (Canon 185), commissions (Canon 1441), presentations (Canon 1465); and prescription does not operate for one who holds a benefice obtained through simony (Canon 1446).

(b) Certain simoniacal contracts subject the guilty parties to special punishments. Thus, the penalty for simony in appointments, elections or promotions to office and dignities is excommunication *latæ sententiæ* reserved to the Holy See, and deprivation for ever of all right of nominating, voting, presenting, and suspension (Canon 2392); the penalty for simony in elevation to Orders or in use of other Sacraments is suspicion of heresy and suspension reserved to the Holy See (Canon 2371).

**2338. When the Canonical Penalties for Simony Do Not Apply.**—(a) Purely mental simony is not subject to ecclesiastical penalties, since the Church does not pronounce on internal acts. But this does not take away the serious guilt in the sight of God. (b) External simony is subject to ecclesiastical penalties, but canonists dispute about the meaning of certain Canons, for example, whether only real simony falls under the punishments *latæ sententiæ,* whether the penalties of Canons 729 and 2392 apply only to simony of divine law, or to simony of ecclesiastical law as well.

**2339. Influence of Simony on Spiritual Effects.**—(a) *On Effects of the Power of Orders.*—Sacraments administered simoniacally are valid, for the law nullifies only the contract made about the Sacrament, not the Sacrament itself. It seems also that in the case of sacramentals (such as simple blessings imposed on articles) the blessing is not lost by sale of the article.

(b) *On Effects of the Power of Jurisdiction.*—Acts of jurisdiction are valid in spite of simony, unless there is special provision to the contrary. Indulgences are lost *ipso facto,* if anything temporal is taken for the indulgenced object (Canon 924). Religious profession, it seems, is valid, even though simoniacal.

**2340. Restitution of the Temporal Price Received for a Spiritual Thing.**—(a) If the simoniacal contract is semi-real (that is, if the spiritual consideration has not been received), the price must be restored; for we have then the case of an immoral and unexecuted contract (see **1878** d). (b) If the simoniacal contract is real (that is, if the spiritual consideration has been received), the price should be given back; for the case then is one of commutative justice, a temporal price being taken for a thing (*e.g.*, a blessing) that has no temporal price, or for a service that one was bound to give gratis (*e.g.*, parochial sermon by the pastor). But if a service was not obligatory, it is held by some that there is no certain duty of restitution, if the spiritual thing cannot be restored (*e.g.*, when one received a stipend for a Mass of bination or demanded an excessive fee for a sacred function).

**2341. Restitution of the Temporal Price Received for Temporal Things Annexed to Spirituals.**—Restitution is obligatory as follows: (a) when commutative justice is violated, as when one charges for a blessed candle or rosary in excess of its market value or just price, or when by fear or force one compels another to exchange a chalice for a ciborium; (b) when law or judicial sentence imposes restitution as a penalty for an offense, as when for money one has resigned one's benefice in favor of another person.

**2342. Circumstances of Restitution for Simony.**—(a) *The Time for Restitution.*—If simony is against natural law, restitution is due before sentence; if against ecclesiastical law only, restitution is due only after sentence.

(b) *The Person to Whom Restitution Is to Be Made.*—Satisfaction should be given to the owner, or injured party (*e.g.*, to the person who was charged for a blessing), or, if this is impossible, to the poor or pious causes. The revenues derived from a benefice simoniacally obtained should be restored to the church to which the benefice belongs, unless this is advantageous to the guilty parties, or probably to charity, or religion, or the successor in the benefice.

(c) *Excuses from Restitution.*—Impossibility, condonation or the permission of the Church, express or presumed, excuses from the duty of restitution.

**2343. Restitution of Spiritual Thing Simoniacally Received.**—The spiritual thing that was simoniacally received must be restored even before the sentence of the judge (Canon 729). (a) Thus, if it is a benefice, office or dignity that was obtained or conferred through simony, it must be resigned; nor may the guilty party keep the fruits, unless he was in good faith and permission is given. (b) If the spiritual thing is something other than a benefice, it should likewise be given up, provided it is of a kind that can be restored (*e.g.,* it is impossible to restore a Sacrament received or a consecration given to a church) and restitution will not cause irreverence (*e.g.,* it would be irreverent to restore blessed objects or relics to the seller if he meant to profane them).

## Art. 6: THE REMAINING POTENTIAL PARTS OF JUSTICE; THE VIRTUE OF PIETY; THE COMMANDMENTS

(*Summa Theologica,* II-II, qq. 101-122.)

**2344.** Having treated of religion, the chief potential part of justice, we shall now consider the remaining subsidiary virtues of the present group, namely, piety, reverence, truthfulness, gratitude, vindication, friendship, liberality, equity (see **2141–2143**).

**2345. The Virtue of Piety.**—In general, piety is the virtue that inclines one to show due recognition of indebtedness to those from whom one has received life and existence. There are three senses of the word:

(a) in its strictest meaning, it refers to the dutifulness owed to the immediate or secondary causes of our being, namely, parents and country;

(b) in a derived meaning, it is applied to the religious duties owed to God, who is our Heavenly Father and the First Author of our being. Hence, those who are faithful to the worship of God are called pious and the divine services are known as works of piety;

(c) in its widest meaning, piety is applied to works of mercy, since they are most pleasing to God as a tribute of filial devotion. The merciful man has pity (piety), because his kindness to the unfortunate honors God more than victims or sacrifices. Hence, since God is merciful, He Himself is sometimes called pious: "The Lord is compassionate (*pius*) and merciful" (Ecclus., ii. 13).

**2346. Definition of Piety.**—Piety in the strictest sense is defined as "a moral virtue that inclines one to pay to father and fatherland the duty of respect and assistance that is owed them as the authors and sustainers of our being."

(a) It is a *moral virtue,* one pertaining to justice, and hence it differs from the special duty of charity owed to parents and country (see **1158, 1171 sqq.**). Charity loves parents and country out of love for God whose creatures they are; piety honors them in recognition of the benefits received from them and the authority vested in them.

(b) Piety is shown to *father and fatherland;* that is, just as religion gives worship to God in acknowledgment of His excellence and our dependence upon Him, so does piety show due respect to those who hold the place of God in our respect on earth. Filial piety is owed to the mother as well as to the father, and in a less degree to other relatives, inasmuch as they share or continue the blood of one's parents and may be regarded as representing them (*e.g.,* brothers and sisters, husband or wife). Patriotism belongs to one's native land or the country, nation, state, city, etc., of which one is a citizen; and it should include, not only fellow-citizens, but also the friends and allies of one's country. He who is the adopted citizen of a country should love the place of his birth, but loyalty and obedience are owed to the nation to which he has transferred his allegiance.

(c) Piety offers *respect and assistance.* The first duty is owed to parents on account of their position of progenitors and superiors; the second is owed to their condition when they are infirm or destitute or otherwise in need. It is more probable that filial piety is violated only when the personal goods (*e.g.,* life, health, body, fame, honor) of parents are injured, and that injury to their real goods pertains to fraud, theft or damage, rather than to impiety. Moreover, on account of the community of goods that exists between parents and children, real injuries between them are not rigorously acts of injustice and require more than the ordinary grave matter for serious sin (see **1902**).

(d) Piety is owed to parents and country *as the authors and sustainers of our being.* Thus, it differs from legal justice, which is the duty owed the State or community, precisely as it is the whole of which one is a part. It differs likewise from commutative justice, which is obligatory in agreements with parents or other superiors, for the duty is then owed them as partners to a free contract. On account of this nobility of the formal object, filial piety and patriotism are very like to religion and rank next after it in the catalogue of virtues.

**2347. The Reverence Required by Piety.**—(a) Parents should be honored internally by the esteem in which their parental dignity and merits (not their personal failings) are held; externally, by the marks of respect customarily shown to parents.

(b) Relatives should receive a lower degree of respect commensurate with the nearness and quality of the kinship. Thus, parents should treat their children with the consideration owed to members of the family, and not as servants or strangers; brothers and sisters and relatives of remoter degree should give one another that courtesy and regard which respect for common parents or ancestors calls for. Lineal relatives are nearer than collaterals, and elder relatives (such as grandparents, uncles and aunts) are more entitled to respect than younger relatives (such as grandchildren, nephews and nieces).

(c) Country should be honored, not merely by the admiration one feels for its greatness in the past or present, but also and primarily by the tender feeling of veneration one has for the land that has given one birth, nurture and education. Even though a country be poor and humble, it should be patriotically revered (Ps. cxxxvi). External manifestations of piety towards country are the honors given its flag and symbols, marks of appreciation of its citizenship (Acts, xxi. 39), and efforts to promote its true glory at home and abroad.

**2348. The Assistance Required by Piety.**—(a) Parents should be helped in their needs, spiritual or temporal. If they are sick, they should be visited; if they are poor, they should be assisted; if they are in need of the Sacraments or prayers or suffrages, these spiritual means should be provided. But a son is not bound to pay the debts of his deceased father who left him nothing, since the debt was a personal one.

(b) Relatives should also be assisted in their needs, especially if the necessity is urgent and the relationship close (as in the case of brothers and sisters). But this duty is not as strict as that owed to parents, and, if the relationship is distant, there is no special obligation of piety.

(c) Country is helped by the aid given to fellow-countrymen who are in moral, mental or corporal need. The noblest patriots are those who devote their lives, labors or substance to the promotion of religion, education and contentment among their people, to the correction of real evils that threaten decay or disaster to the national life, and to the preservation of those special ideals and institutions that constitute what is characteristic and best in the nation.

**2349. Sins against Piety.**—(a) *By Excess.*—Exaggerated respect for relatives or country is a sin, since it is not according to order or reason. Thus, while children should not dishonor their parents under the pretext of religion (Matt., xv. 3–9), neither should they be more devoted to their parents than to God (Luke, xiv. 26; Matt., viii. 22), nor neglect God's call when their parents do not need them (Matt., iv. 22). Thus also, patriotism should not degenerate into patriolatry, in which country is enshrined as a god, all-perfect and all-powerful, nor into jingoism or chauvinism, with their boastfulness or contempt for other nations and their disregard for international justice or charity.

(b) *By Defect.*—Disrespect for parents is felt when they are despised on account of their poverty, ignorance, or feebleness; it is shown by word (*e.g.*, when they are addressed in bitter, reproachful, or contemptuous speech; or when they are ill spoken of to others), by signs (*e.g.*, when mocking gestures or mimicry are used to ridicule them), by deeds (*e.g.,* when they are threatened or struck), and by omissions (*e.g.,* when their children are too proud to recognize them or to give them tokens of honor). Disrespect for one's country is felt when one is imbued with anti-nationalistic doctrines (*e.g.,* the principles of Red or Yellow Internationalism which hold that loyalty is due to a class, namely, the workers of the world or a capitalistic group, and that country should be sacrificed to selfish interests; the principle of Humanitarianism, which holds that patriotism is incompatible with love of the race; the principle of Egoism which holds that the individual has no obligations to society); it is practised when one speaks contemptuously about country, disregards its good name or prestige, subordinates its rightful preëminence to a class, section, party, personal ambition or greed, etc.

**2350. Malice of Sins against Piety.**—(a) The *moral* malice is distinct from that of other sins, since injustice committed against the debt owed to the human principle of existence has a special character of wrong, as being opposed to a special kind of right. Parricide and matricide have always been looked on as having a peculiar enormity among sins of homicide; and similarly, disrespect to father and mother are greater evils than disrespect to persons who have no like claim to honor. Hence, he who has struck his father must mention the circumstance of relationship in confession, since it is a circumstance that changes the species of the sin. But he who has struck his fourth cousin need not confess the relationship, for distant kinship, though an aggravating circumstance, does not give the injury the character of impiety.

(b) The *theological* malice of the sin is grave from the sin's nature, since piety ranks next to religion and is the object of a special commandment and promise from God. But the sin may be venial on account of lightness of the offense (*e.g.,* when young children answer back or speak saucily to their parents, but without contempt) or on account of the lesser importance of the person offended (*e.g.,* when a brother slaps his brother, the sin is not as serious as when a child strikes his parent). Children who have been seriously disrespectful to their parents are obliged to beg pardon; but to impose the obligation regularly in confession is deemed unwise, since insistence may only lead the penitent to new sins, and moreover the forgiveness of parents may generally be presumed when there is amendment.

**2351. The Virtue of Reverence.**—This virtue is known in Latin as *observantia,* because its object is persons of authority, whom it carefully observes in order to revere their dignity and to learn their commands. It is defined as "a moral virtue which inclines one to render to persons of higher position the tribute of honor and obedience that is due their authority."

(a) It is *a moral virtue,* that is, one concerned immediately with the direction of human acts. Reverence belongs to justice because it renders to others what is due them.

(b) The persons to whom it does justice are *those of higher position,* that is, superiors who rule over us or over others, and men distinguished for virtue, knowledge or other excellent qualities that make them fit to govern. Superior here does not mean that the person who receives reverence must be in every way better than the person who shows reverence (*e.g.,* he who is superior in jurisdiction owes some reverence to a subject who is more learned or virtuous than himself), or that there must be inequality between the one who gives and the one who receives reverence (*e.g.,* two distinguished persons of equal rank and merit owe mutual reverence to each other on account of the superiority which each has to many others).

(c) The reason for reverence is *the authority* vested in these persons, that is, the excellence of their state, which gives them a higher dignity than others, and their office of ruling, which empowers them to direct a subject to his proper end. Here we see that reverence is a distinct virtue, for, while piety and reverence are both forms of veneration, the motive of each is different. Thus, a child owes to his father piety, because from the father was received the beginning of his life, and reverence, because from the father is received direction to his end. Again, a subject owes the rulers of his country both piety and reverence: piety, as regards their relation to the common good and the nation (*e.g.,* when the ruler is given his special salute), reverence, as regards their personal rank and glory (*e.g.*, when assistance is given the ruler to lessen the burden of his office).

(d) The first tribute paid by reverence is *honor*, which is a testimony given to worth, and is offered to the dignity or rank of the superior. Honor differs from reverence as the effect differs from the cause, or the means from the end; for it is reverence that prompts one to show honor, and honor is meant to excite in others reverence for the person honored. The debt of honor is due those who are superior in jurisdiction, from legal justice; it is due to those who are superiors, but not in jurisdiction, not from legal justice, since the law does not enforce it, but from moral obligation, since it is decent and becoming.

(e) The second tribute of reverence is *obedience*, which is submission to law, and is offered to the ruling power of the superior. This tribute of reverence is paid only to one's own ruling superior, since others have no power to impose upon one their will or precept.

**2352. Species of Honor.**—(a) As to kinds, there is common honor which is shown to all and by all (*e.g.*, God honors the Saints, and Tobias and Mardochæus were honored by their sovereigns), and the special honor of homage which includes submission and is shown only by inferiors or servants to their superiors or masters.

(b) As to modes, there is honor in general and praise, which is a special form of honor. Praise is given in speech or writing; honor is shown not only by words, but also by deeds (*e.g.*, by salutations, prostrations) and things (*e.g.*, by monuments, presents, banquets, titles).

(c) As to motives, there is civil honor (*i.e.*, the respect shown to the temporal authority of rulers, teachers, employers, etc.), religious honor (*i.e.*, the respect shown to the spiritual authority of the Pope, bishops, priests, etc.), and supernatural honor (*i.e.*, the respect given to the virtue of holy men). This last honor is known as *dulia* (service) when offered to the Saints who reign with Christ in heaven, as *hyperdulia* (superior service) when offered to the Mother of God.

**2353. Obligation of Showing Honor to Deserving Excellence.**—(a) Common honor should be given to all who are not irrevocably evil and malignant, that is, it should be shown to all creatures, the damned excepted. For, as was said above, there is no one who is not possessed of superiority in some respect, and it is even reasonable to believe that the most unpromising person is better than oneself in some quality or other. Hence, the Scriptures admonish us to honor all (I Peter, ii. 17), to be beforehand in giving honor to one another (Rom., xii. 10), and humbly to believe that others are superior (Phil., ii. 3). But in bestowing honor, while one should have at least in general an honorable opinion of others, the duty of external honor does not oblige at all times or in all circumstances; and the same kind of honor is not to be given by or to all persons. Those who show the ordinary signs of charity (as they should) in greetings, salutations, courtesies, and the like, comply sufficiently with the duty of common honor.

(b) Special honor should be given all those who have a right to it: ''Tribute to whom tribute is due, honor to whom honor is due'' (Rom., xiii. 7). Thus, rulers and prelates should be given the respect due their station, even though personally they are wicked, for in the honor given their rank reverence is shown to God, whose ministers they are, and to the community which they represent. There is a moral, though not a legal, obligation to honor men distinguished for holiness—for their own sakes since, while honor is not a sufficient reward of virtue, it is a distinguished mark of recognition, and for the sake of others, since virtue in honor is like a lamp placed upon a stand and shining for many (Matt., v. 15).

**2354. Obligation of the Religious Cult of Dulia.**—(a) There is no strict duty of giving veneration to the Blessed Virgin, the Angels, Saints, images, or relics, for absolutely speaking it suffices for salvation to adore God. But it is of faith that the cult of these holy persons and things is lawful and useful; hence, he who should neglect it would not merely disregard the earnest advice of the Church, but he would also deny to God's friends and heroes the honors they deserve (Ecclus., xliv. 1; Heb., xi), and would deprive himself of precious helps of intercession and inspiration. Some believe it is at least venially sinful never to invoke the Blessed Virgin, and surely there would be sin—and perhaps even grave sin, *per accidens*—if the neglect was scandalous or perilous to salvation.

(b) There is an obligation in performing acts of cult to make the veneration suitable to the dignity of the object (*e.g.*, to the Mother of God belongs *hyperdulia*, to the Saints of God *dulia;* to holy persons is given absolute cult, to holy objects relative cult) and conformable to the laws of the Church (*e.g.*, the titles of *Venerable, Blessed, Saint* are conferred only by the Church; public cult may be performed only by those authorized to act in the name of the Church and only by such rites as have been approved). It is lawful privately to pray to infants who died after Baptism, and, according to many, to the souls in Purgatory; but it would be superstitious to give to the damned or false saints the cult that belongs only to the canonized Saints.

**2355. Obedience.**—Obedience is a moral virtue annexed to justice which inclines one to comply promptly and willingly with the command of one's superior, because it is a command and obligatory.

(a) Obedience is *prompt and willing,* and so it differs from forced or unwilling or tardy submission and from servile and politic obedience (which would not obey were it not for fear or self-interest), for these lack either the good will or the good motive required by virtue. Note also that the virtue of obedience differs from the vow of obedience in this, that the vow obliges to the external performance of a command, while the virtue includes also internal submission.

(b) It is shown to a *superior.* Between equals there is not obedience in the strict sense, though one of them may out of charity or friendship yield to what the other desires.

(c) It is *compliance with a command,* that is, with a law or precept imposed by authority. Some authorities hold that it is an act of obedience to fulfill the known will of a superior, even though it has not been imposed as obligatory; but others see in such a fulfillment, not obedience, but the perfection or spirit of obedience. Thus, if a son knows that his father wishes him to perform a certain work, but has received no orders to do it and leaves it undone, this omission according to the first opinion is disobedience, while according to the second it is a want of the spirit of obedience.

(d) It obeys precisely *because the superior's will has been expressed as a command.* It is this intention that sets off obedience from other acts of virtue about commanded matters. There is a material obedience which is a circumstance of other virtues and may be called a general virtue (*e.g.*, when one keeps the first commandment out of love for God, there is charity; when one keeps the seventh commandment out of love of honesty, there is justice). The formal obedience of which we now speak is a peculiar and distinct virtue, because it keeps the law simply because it is law and as such should be kept.

**2356. Power of Jurisdiction and Dominative Power.**—There are two kinds of power that confer moral authority to impose a command—the power of jurisdiction and dominative power.

(a) The power of jurisdiction is had by one who rules in a perfect society (Church or State), which has supreme authority and the right to impose laws.

(b) Dominative power is had by one who rules in an imperfect society, which has dependent authority and the right to impose precepts only. This power arises either from the very nature of society as a body composed of superior and subjects (*e.g.*, in the family the children are necessarily subject to the father), or from agreement between the parties concerned (*e.g.*, the wife by marrying becomes subject to her husband, the servant by taking employment becomes subject to the employer, the religious by entering a community or by vowing obedience becomes subject to the superior).

**2357. Degrees of Obedience.**—Ascetical authors distinguish three degrees of obedience: (a) external obedience, which performs with exactness the thing commanded though there is no heart or willingness in its act; (b) internal obedience, which joins willingness to external submission though the judgment doubts the wisdom or value or good faith of the command; (c) blind obedience, which submits the judgment itself to the superior's judgment, provided of course the thing ordered is not clearly sinful (Matt., ix. 9; Gen., xxii. 3 sqq.; Matt., ii. 13 sqq.).

**2358. Comparison of Obedience with the Other Virtues.**—(a) Obedience, as was explained above (2355), is distinct from the other virtues on account of its different formal object. Its act is found sometimes joined with other virtues (*e.g.*, to fast during Lent in order to keep the law is an act of obedience, but it is also an act of temperance if actuated by love of moderation, or an act of religion if offered as homage to God); but obedience may be separate from other virtues, as when a superior commands or forbids something indifferent in order to try a subject's obedience (*e.g.*, to take a walk solely because it has been commanded is an act of obedience only).

(b) Obedience is less perfect than the theological virtues, since it belongs to the moral virtues, which are not directly concerned with God Himself but with the means to union with Him (I Tim., i. 5). Among those moral virtues that consist in contempt of temporal things, obedience which serves God in all things has a certain preëminence, inasmuch as it contemns for God's sake the noblest human good, one's own will, whereas the other virtues contemn lower goods (those of the body and external things); on the other hand, obedience is inferior to religion, since, while obedience consists in veneration of the law, religion consists in veneration of God Himself. But acts of worship performed without devotion or without regard for God's will are not to be compared with respectful obedience, since the former are sins and the latter is both religious and obedient; hence, it is said that obedience is better than sacrifice (I Kings, xv. 22), which means that internal devotion is to be preferred to mere external worship. Spiritual writers praise obedience as the guardian of all the virtues and the safe road in which they walk (Prov., xxi. 28).

**2359. Comparison of Acts of Obedience.**—(a) All acts of obedience are of the same species, since in spite of diversity of superiors or of laws there is always in obedience the same essential character on account of the motive. Whoever may be the superior or whatever may be the law, the reason for obedience is always the authority that commands and the obligation that it imposes. Thus, whether one obeys God, or the Church, or the State, or parents, the virtue is always one and the same.

(b) All acts of obedience are not of the same perfection, for circumstances (*e.g.*, the willingness, the duration, the difficulty) add to the merit of obedience. It should be noted, however, that to obey by performing what one likes is not necessarily less virtuous than to obey by performing what one dislikes; for the thing liked may be something hard that appeals to few and may be performed from a spirit of willing obedience, whereas the thing that is disliked may be something easy and may be performed with less willingness.

**2360. The Duty of Obedience.**—Since obedience is obligatory because a superior has the right to command, the extent of the duty depends on the extent of the superior's authority.

(a) Thus, God must be obeyed in all things that He commands, for He is Lord of all and cannot command what is unlawful: "Let us do all that the Lord has spoken and we shall be obedient" (Exod., xxiv. 7). Man is not bound, however, to wish all that God wishes in particular, since God wishes things from the viewpoint of the universal good, and the creature from the viewpoint of the limited good known to him (*e.g.*, it is not lawful for man to wish the damnation or the misfortune of those whom God will permit to suffer these evils); but man is bound to wish that which God desires him to wish (*e.g.*, that his neighbor will not be lost, that his father will not now die). Neither is man bound to perform what God proposed to him as a counsel. In certain instances (Gen., xxii. 2; Exod., xii. 36; Osee, i. 2) it appears that God commanded sin, but only a foolish or blasphemous person would interpret the facts in that impossible sense. In the physical order, a miracle wrought by God is not contrary to the law of nature established by Him, but to the usual course of nature; and similarly the commands referred to were not contrary to the laws of virtue, but to the usual manner of virtue, as was explained in **308 sqq.**

(b) Man must be obeyed in all those things in which he has lawful authority to command, first, because God Himself requires this and he who resists resists God (Rom., xii. 2); next, because without obedience the peaceful order of society cannot be maintained. Even though the superior be wicked or an infidel, obedience is due him, for it is given him, not in his personal, but in his official capacity (Matt., xxiii. 2, 3). The Scriptures command obedience to all classes of lawful superiors, whether ecclesiastical (Heb., xiii. 17), civil (Titus, iii. 1; I Peter, ii. 13), or domestic (Eph., vi. 1, v. 22–24, vi. 5–8).

**2361. When Obedience Is Not Lawful or Obligatory.**—Obedience to a human superior is not lawful or not obligatory in those matters in which the superior has no authority to command.

(a) It is not lawful to obey a human superior when his command is clearly contrary to the command of a higher superior, and therefore unlawful. Thus, one may not obey any human superior when he orders sin, even a venial sin, for we must obey God rather than man (Acts, v. 29; Rom., iii. 8); neither may one obey a subordinate official who commands something clearly opposed to the law or to the regulations of his own superior. It does not belong to the subject, however, to sit in judgment on his superior, and hence, unless the unlawfulness of a command is manifest, the subject must presume that it is lawful.

(b) It is not necessary to obey a human superior when his command exceeds his competency, or when he orders things over which he has no control. Thus, God alone has authority over the internal action of the soul and over the natural state of the body; and as regards these things all men are equal, one indeed being less perfect mentally or bodily than another, but none being subject to another in these matters. Divine law regulates the interior (*e.g.*, the command to believe, the prohibition to covet), but human law is confined to external acts; divine law can regulate things pertaining to the nature of the body (*e.g.*, God could command an individual to marry, or to observe virginity, or to abstain from all food), but human law is concerned with external things, in which men are unequal, and it cannot take away natural rights to life or the means thereto (see **292** on Inalienable Rights). Moreover, even as regards external acts and things, the authority of a superior is limited by the bounds which its nature gives it; for example, temporal authority cannot command spiritual acts, a ruler placed over one territory or group cannot command for others, a constitutional body cannot make laws beyond the powers conferred by its constitution, ecclesiastical laws or customs rejected by the Code cannot be enforced, etc. It is clear, too, that no superior may command the execution of what is physically or morally impossible, and generally a subject should not be required to practise heroic virtue (*e.g.*, to expose his life to danger; see **374**). If a command is plainly ridiculous (that is, if it lacks a reasonable motive), it would be more perfect to obey, but it seems it would not be a sin to disregard it.

**2362. Obedience in Cases Where There Is Normally No Obligation.**—If a superior oversteps his authority, the subject may obey when the matter is lawful and the motive of submission is good. In certain cases it is even obligatory to obey a superior in matters over which normally he would not have authority. Such cases are the following:

(a) on account of a vow or other free and moral agreement, a subject is held to obedience in matters pertaining to the nature of the body (*e.g.*, when he has made a vow of virginity). The Church cannot impose virginity, but he who has vowed to observe it, must fulfill the conditions and precautions necessary for its observance, and can be ordered so to do;

(b) on account of circumstances, such as scandal or danger of great evils, it is sometimes necessary to yield submission to a command that is not of itself obligatory (see **376, 377**).

**2363. Internal Actions and Human Superiors.**—Internal actions in themselves do not fall under human authority, and hence the Apostle says: "Judge not before the time until the Lord come, who will make manifest the counsels of the heart" (I Cor., iv. 5). But in two ways these actions may be dealt with authoritatively by human superiors.

(a) Thus, in the internal forum and there alone, internal acts themselves are subject to a human superior; for the confessor knows and acts there, not as man, but as the representative of God, and hence he may pass on and prescribe internal thoughts and desires just as God may pass on them and prescribe them.

(b) In the external forum, the Church deals with internal acts in so far as they enter into an external act as a necessary ingredient of its goodness or malice, as when she commands a *devout* communion or pronounces censure against judges who are swayed *by fear or favor*. This question was treated above in **426**.

**2364. Obligation of the Vow of Obedience.**—(a) The vow obliges a religious to observe the commands of superiors that are given according to the rule which the religious professed. Hence, there would be no obligation in virtue of the vow of performing commands that are not authorized explicitly or implicitly in the rule (*e.g.*, if a cloistered religious were bidden to engage in hospital work), nor, unless otherwise vowed, of keeping each prescription of the rule or constitutions. A command to accept a relaxation from the rule is obligatory, unless the dispensation is clearly invalid (cfr. **2225, 2237**).

(b) The obligation is grave only when superiors command in a grave matter and with the intention of imposing a grave precept. The intention of a superior is indicated by a form of words and other circumstances which the rule or constitutions prescribe for the imposition of a grave precept.

**2365. Sins against Obedience.**—Since obedience is a moral virtue and therefore observes a mean, there is both an excess and a defect that it avoids.

(a) Thus, the sin of excess is not found in the quantity of obedience, for the more obedient a subject is, the more is he worthy of praise. It is found, therefore, in other circumstances of the act of submission, as when one obeys a person or a command which one should not obey. Sinful submission is just as foreign to obedience as superstition is to religion; cringing submission or servility in matters where one should think and judge for oneself is only a simulacrum of obedience.

(b) The sin of defect is found in disobedience to a lawful command. This sin may also be said to include both excess and defect—the former because the subject follows his own desires more than he should, and the latter because the superior does not receive what he is entitled to (see **1711 sqq.**).

**2366. Definition of Disobedience.**—Disobedience is the transgression of the lawful command of a superior.

(a) It is a *transgression*, that is, a voluntary neglect or refusal to perform what is ordered or to omit what is forbidden, or to perform or omit at the time or in the manner ordered. Thus, there is no disobedience if fulfillment is impossible—for example, if a subject who is summoned to present himself at a certain place does not receive the notice or becomes too ill to make the journey, or if he is asked to give what he cannot give, or if he is burdened with so many laws or regulations that he cannot even know what they are, much less attempt to observe them.

(b) Disobedience transgresses a *lawful* command, that is, one which is morally good and issues from competent authority. It is not disobedience to refuse to do what is evidently illicit (*e.g.*, to lie or steal), or what is illegally ordered (*e.g.*, to submit to arrest blindly, to perform what the law forbids the superior to order).

(c) It is violation of a *command*, that is, of a law or precept. Hence, it is not disobedience to neglect advice or exhortations or requests made by superiors, if the subject-matter is not otherwise obligatory (*e.g.*, a daughter is not disobedient if she does not choose the husband picked out for her by her parents).

(d) It is against the command of a *superior*, and hence, if there is opposition between laws or precepts, the higher law and the higher superior prevails (**288 sqq.**).

**2367. The Kinds of Disobedience.**—(a) By reason of the subject, disobedience is either material or formal, according as the transgressor intends only the satisfaction of his sinful desire against some other virtue, or intends the violation of obedience itself. Material disobedience is found in every sin, since every sin is a transgression, and in this sense the pride of the original sin is called disobedience (Rom., v. 19); but formal disobedience is a special sin, and it is committed only when the sinner transgresses purposely in order not to submit.

(b) By reason of the object, formal disobedience is contempt either for the law or for the superior. In the former case the transgressor despises the commandment given him and vents his dislike in disobedience; in the latter case the transgressor belittles the authority of the lawmaker or superior who made the law or who gave the precept; or scorns his sinfulness, ignorance, or low birth; or hates or envies him, and therefore proceeds to break his laws or precepts. If contempt moves one to rebel against every command, it is perfect; if it extends to only one or another matter, it is imperfect.

**2368.** It is not sinful contempt of a person in authority, however, if the subject does not admire his character, or agree with his opinions, or approve of his courses, when the subject has good reason for his view and does not forget the respect and obedience due to authority and law.

**2369. Theological Sinfulness of Formal Disobedience.**—(a) From its nature formal disobedience is a grave sin, since it is contrary to charity, which is the life of the soul and the end of the law. Love of God demands that we keep His commandments and be submissive to His representatives (Rom., xiii. 2; John, xiv. 21; Rom., ii. 23, xiii. 2; Luke, x. 16). Disobedience is classed by St. Paul with the worst sins of the ancient pagans (Rom., i. 30) and of the sinners of the last days (II Tim., iii. 1), with witchcraft and idolatry (I Kings, xv. 23).

(b) From the imperfection of the act formal disobedience is sometimes only a venial sin, as when in a sudden fit of anger against his superiors a child refuses to obey his teachers or parents.

(c) From the lightness of the matter, formal disobedience is only a venial sin, if the contempt is imperfect and not directed against God, and the matter of the command or transgression is not serious (*e.g.*, if one gets up a few minutes late in the morning once or twice as a protest against a regulation). But, even though the matter is not serious in itself, formal disobedience is a grave sin, when the contempt is perfect (*e.g.*, if in a spirit of defiance and of anarchistic contempt for all his laws one pays no heed to some minor regulation of a superior), and perhaps also when contempt is directed against a divine precept (*e.g.*, if with the feeling that the eighth commandment is foolish or useless, one tells small lies); for in the former case there is grave contempt, in the latter case blasphemy.

**2370. Moral Species of Disobedience.**—(a) In formal disobedience, if the command belongs to some special virtue, there are two sins, namely, that against obedience and that against the virtue intended by the lawgiver (*e.g.*, when out of contempt one violates the third commandment); but, if the command was given for the sake of obedience only, there is but the one sin of formal disobedience (*e.g.*, when out of stubbornness a child refuses to do the study or other work imposed by parents or teachers).

(b) In material disobedience, if the command was given for the sake of some special virtue, there is but the one sin against that virtue, as when one breaks the fifth or sixth commandment to satisfy passion; but if the command was given for the exercise of submission only, there is but the one general sin of disobedience, as when a child eats between meals against the command given by his mother.

**2371. Circumstances that Aggravate Formal Disobedience.**—One act of formal disobedience can be worse than another such act in two ways:

(a) by reason of the rank of the person who gave the command. Thus, it is more serious to disobey God than to disobey man, and more serious to disobey a higher than a lower superior;

(b) by reason of the rank which the thing commanded has in the intention of the superior. Thus, when disobeying God it is more serious to transgress against the higher than against the lower good, for God always prefers the better good; but in disobeying man alone it is more serious to transgress against the good, higher or lower, which the lawgiver has more at heart.

**2372. Comparison of Formal Disobedience with Other Sins.**—(a) Disobedience against God (*e.g.*, contempt for His law) is worse than sins against the neighbor (*e.g.*, murder, theft, adultery). This is true when these latter sins do not include formal disobedience against God, for, *per se* and other things being equal, a sin against God is more serious than a sin against a creature; it is also true when sins against creatures include formal disobedience against God but offend a less important commandment, as when the one sin is perjury and the other theft.

(b) Contempt for the lawgiver, even without disobedience, is worse than contempt for the law with disobedience, since the lawgiver is of greater importance than his precept. Thus, it is worse to blaspheme God than to despise His commandment; it is worse to hold a superior in contempt than to disregard his precept.

**2373. The Virtue of Gratitude.**—Religion, piety, reverence and obedience are annexed to justice on account of a legal debt; the virtues that remain, beginning with gratitude, are assigned to justice on account of a moral debt only (see **2143**). Gratitude is defined as "a moral virtue that inclines one to acknowledge with appreciation and to repay with gladness the favors one has received."

(a) The object of gratitude is *favors* received, that is, some good useful and acceptable to the recipient and gratuitously bestowed. Thus, gratitude is not owed for a thing that is harmful (*e.g.,* for aid in the commission of sin, for gifts offered with purpose of bribery or simony) or useless (*e.g.,* for old articles which the giver only wished to get rid of and forced one to take). Neither is gratitude owed for presents made with the purpose of ridicule or offense. Finally, no thanks are due for what was owed in justice (*e.g.,* wages for work performed), though courtesy demands a pleasant response to every good one receives, even when it is not a favor.

(b) The offices of gratitude are *acknowledgment and repayment.* The former consists in thoughts or words, such as remembrance of benefactors, praise of their good deeds, words of thanks; the latter consists in acts or things, such as honor, service, assistance, and gifts (Tob., xii. 2, 4).

**2374. Two Kinds of Gratitude.**—(a) In a wide sense, gratitude is the recognition of favors received from superiors, and does not differ from religion, piety and reverence, by which one gives due acknowledgment to God as the first cause of all benefits, to parents as the second cause of life and training, and to rulers as the second cause of direction or guidance or of public and common benefits. (b) In its strict sense, gratitude refers only to special and private benefits distinct from those mentioned above. Gratitude, then, is a distinct virtue and follows in order after reverence.

**2375.** Is greater gratitude due to God for the gift of innocence or for the gift of repentance?

(a) If we consider only the greatness of the favor, the one who has been preserved from sin owes more gratitude to God; for, *per se* and other things being equal, it is a greater favor to be kept from sin than to be rescued from it.

(b) If we consider the liberality of the favor, the one who has received the gift of repentance should be more thankful, for God is more generous when He bestows His grace on one who deserved punishment.

**2376. Circumstances of Gratitude.**—(a) *To Whom Gratitude Should Be Shown.*—Every benefactor should be repayed internally (*e.g.*, by kind remembrance and prayers) and also externally, unless this is impossible (*e.g.*, when he has become so depraved that one can have no dealings with him). The internal debt is lessened if the benefactor was less benevolent (*e.g.*, if he gave grudgingly, or in an unkind manner, or only with a view to self-advertisement), for the gift is esteemed chiefly from the good will of the giver; the external debt is lessened if the benefactor stands less in need of external help (*e.g.*, if he is wealthy or famous).

(b) *By Whom Gratitude Should Be Shown.*—Every person who is favored should be thankful. There is no one so high that another cannot be his benefactor, and the greatest or wealthiest person should not feel it beneath his dignity to repay even small favors sincerely given. Neither is there anyone so low, whether child or pauper, that he cannot to some extent, by his respect, affection, prayers, etc., recompense his benefactors.

(c) *The Time for Gratitude.*—Internal gratitude should be immediate, and should be shown by the kindly manner in which a favor is received; but external repayment should await a suitable time, as it seems forced or unappreciative to give a favor in return as soon as one is received.

(d) *The Degree of Gratitude Owed.*—If the favor was bestowed by reason of a friendship of utility, the gratitude should correspond with the benefit received; but, if it was bestowed out of pure friendship or liberality, the gratitude should be measured by the benevolence that prompted the favor. Hence, as Seneca remarks, gratitude is sometimes more due to one who bestows small favors, but with liberality and willingness and disinterestedness.

(a) *The Amount of Recompense for Favors.*—It is suitable that one repay benefactors by giving more than was received from them, if this is possible; for otherwise one will seem only to give back all or part of what was received. But in gratitude, as in benefits, the good will counts for more than the favor; and hence if one cannot hope to surpass the favor (*e.g.*, the case of children in relation to parents), one can at least surpass in desire and internal benevolence.

**2377. The Sins against Gratitude.**—(a) Since gratitude is a moral virtue, the sins against it are either by excess (*e.g.*, if one is grateful for things one should not desire), or by defect (that is, by ingratitude). Since gratitude inclines to surpass favors received, it is more offended by lack of thanks or ingratitude than by excessive thanks.

(b) As to its motive, ingratitude is twofold, material and formal. Formal ingratitude consists in contempt for the benefit or the benefactor, as when the person favored disdains what has been done for him, and therefore omits to give thanks or commits some injury against the benefactor. Material ingratitude is any injury done a benefactor without contempt for him or his favor.

(c) As to its mode, formal ingratitude is also twofold, that by omission and that by commission. The former is the culpable neglect of the grateful act of repaying a benefactor, or of the grateful word of thanking him, or of the grateful thought of remembering him with affection; the latter is the culpable return of evil for good (Jerem., xviii. 20; Exod., xviii. 3) by an injurious act, or by a word in contempt of the favor, or by a thought that it is a disfavor.

**2378. The Moral Species of Ingratitude.**—(a) Material ingratitude is not a special sin, since it may be found in all kinds of sins committed against a benefactor; for example, every violation of a commandment is an act of ingratitude to God, and every injury done a human benefactor is an act of ingratitude to man. But material ingratitude is an aggravating circumstance, since it is worse to harm those to whom we owe thanks than to harm others.

(b) Formal ingratitude is a special sin, for it is the denial of a special debt owed in decency, and which a special virtue requires one to pay (see **2374**). St. Paul lists ingratitude with other special classes of sin (II Tim., iii. 2).

**2379. The Theological Species of Ingratitude.**—(a) Formal ingratitude from its nature seems to be a mortal sin, since it is against charity, which bids us love our benefactors. It may be venial, however, on account of the imperfection of the act or the smallness of the matter. Thus, to offend a benefactor in some trifling matter would not be mortal, even though there be some slight contempt in the act.

(b) Material ingratitude is venial or mortal according to the nature of the injury done the benefactor. Thus, a small injury is done when one gives a cheap present to a benefactor from whom one had received a valuable gift, for his right to more was not strict, and hence the sin is venial; but a grave injury is done when one seriously calumniates a benefactor, and the sin is then mortal.

**2380. Is It Right to Confer Favors on the Ungrateful?**—(a) If the favors will be of benefit, one should not desist merely because of the ingratitude with which they are received. It is not always certain that the beneficiary is ungrateful, and there may be reason to hope for his improvement (Luke, vi. 35).

(b) If the favors are not beneficial, because the recipient is made worse (*e.g.,* arrogant, lazy) through them, they should be discontinued.

**2381. The Virtue of Vengeance.**—Just as gratitude returns good for evil, so does vengeance (*vindicatio*) return evil for evil, that is, the evil of punishment for the evil of sin. Vengeance is defined as "a moral virtue that inclines a private person to use lawful means for the punishment of wrongdoing, with a view to the satisfaction of public or private justice."

(a) Vengeance is a virtue of *private persons;* that is, it belongs to those who are not charged officially with the punishment of offenses. The duty of public persons, such as judges, is a much stricter one and pertains to the virtue of vindictive justice, which is a form of commutative justice; whereas vengeance is only a virtue annexed to justice (see above, **2141 sqq.**). Vindictive justice attends to the equality between fault and punishment, vengeance to the protection of the person who has been injured.

(b) Vengeance is concerned with the *punishment of wrongdoing,* or the infliction of some painful retribution upon one who has already committed an injury. Thus, this virtue is not strictly identical with lawful self-defense, which is directed against an evil that is not past but present, though self-defense may be rated as a secondary act of the virtue of vengeance.

(c) Vengeance uses only *lawful means;* that is, it seeks redress or reparation from the authorities who have the right to give it and follows due process of law. This virtue differs, then, from private revenge, vendetta, lynch law, exercise of the "unwritten law," etc., which are acts of sinful violence, though sometimes subjectively excusable on account of ignorance. The virtue of vengeance is also exercised by those who desire that justice may be done against malefactors, or who visit upon them with moderation such punishments as are not forbidden to private persons (*e.g.,* denial of friendship). Parents also exercise this virtue whenever they properly correct and chastise their children.

(d) Vengeance has for its ends *public and private justice,* that is, the vindication of the right order of society or the compensation or satisfaction of an injured person. If some other good motive causes one to desire requital of evil deeds, the act will pertain to another virtue: thus, if one aims at the amendment of the evil-doer, one's act pertains to charity; if one desires by the deterrent of punishment to secure the peace and prosperity of the commonwealth, the act is one of legal justice; if one seeks the honor of God, the act is one of religion, etc. If an evil motive prompts the desire of punishment, the wish is not virtuous at all, but sinful. Thus, he who labors to have a criminal captured, sentenced and executed, and whose intention is not the vindication of justice but the gratification of jealousy, hatred, cruelty or other like passion, sins grievously and perhaps makes himself worse than the criminal. To return evil for evil in this way is to be overcome by evil (Rom., xii. 17–21).

**2382. The Morality of Vengeance.**—(a) Vengeance is lawful, since it pertains to justice, and Our Lord declares that it is found in the just and is approved by God (Luke, xviii. 7). It is, moreover, a special virtue, for it regulates the special natural inclination which moves man to attack what is harmful and injurious and has its own distinctive ends (see **2381**). It is closely related to fortitude and zeal, which prepare the way for it; zeal, being a fervent love of God and man, inspires indignation against injustice, while fortitude removes the fear that might keep one back from attack on injustice. Accidentally, however, on account of greater evils, vengeance is sometimes unlawful, as when it would involve the innocent with the guilty, or fall more heavily upon the less guilty (Matt., xiii. 29, 30).

(b) Vengeance is obligatory when an injury to oneself is also an injury to a public or other necessary good (*e.g.,* to the rights of God or of the Church). Hence it was that Elias and Eliseus punished those who maltreated them (IV Kings, i. 9 sqq., ii. 23, 24), that inspired writers pray God to punish the wicked (Psalms xviii, xxxiv, lxviii, cviii, lxxviii, cxxxvi; Jeremias, xi. 20, xvii. 18, xviii. 21, xx. 12), and Pope Sylvester excommunicated those who sent him into exile. If an injury to oneself is merely personal, one should be willing to forego punishment of the guilty person, and should actually do so when this course is expedient, as Our Lord teaches in Matthew, vi. 14, 15 (see **1198 sqq.**). When no necessity requires one to vindicate a personal wrong, the more perfect course is to pardon the wrong for the sake of God; for in avenging injuries to self there is always the danger of such evils as selfish motive, arrogance, hatred, scandal, and the loss of such goods as peace of mind, conversion of the other party, edification, and greater claim on God's forgiveness of self. Hence, vengeance is called "a little virtue," since it is so often the less perfect way.

**2383. Excess and Defect.**—Punitive justice is a moral virtue and hence should be characterized by moderation as to all its circumstances. It should avoid the extremes of excess and defect.

(a) The sin of excess here is *cruelty*, which in the quality or the quantity of the punishment offends human rights or surpasses the measure of the crime or the custom of the law. Thus, it is immoral to associate young prisoners with hardened criminals, to deprive an offender of religious opportunities; it is inhuman to treat a human being as if he were a brute or less than a brute (*e.g.*, by confinement in a loathsome dungeon, by overwork with starvation, by torture); it is unfair to use severe punishments unknown to law or custom, or whose rigor far surpasses the degree of offense. There is excess even in medicinal or reformatory penalties, if a higher good is sacrificed for a lower (*e.g.*, the spiritual for the temporal, a major for a minor good quality), for then the remedy is worse than the disease.

(b) The sin of defect in punishments is *laxity*, which rewards crime, or allows it to go unpunished, or imposes penalties which are agreeable to offenders, or not a deterrent, or not at all equal to the offense. Scripture condemns this lenity when it delares that the parent who spares the rod spoils the child (Prov., xiii. 24). In weighing the gravity of a delinquency account should be taken of the fault itself, of the injury done and the scandal given. In the fault consideration must be had of the objective element (*i.e.,* the nature and importance of the law violated), of the subjective element (*i.e.,* the age, instruction, education, sex, and state of mind of the offender), of the circumstances (*e.g.,* the time, the place, the persons involved, and the frequency). See Canon 2218.

**2384. Circumstances of Punitive Justice.**—(a) *Punishments that May Be Used.*—Punishment is virtuous only in so far as it restrains from evil those who cannot be restrained by love of virtue, but only by fear of penalty. Hence, penalties should consist in the deprivation of goods that are more prized than the satisfactions obtained through delinquencies. Both divine and human laws, therefore, have established as punishments the loss of a bodily good (*e.g.,* by death, flogging, imprisonment) or of an external good (*e.g.,* by exile, fine, infamy), the chief inducements to crime being found in bodily or external things. The extreme penalty of death should be reserved for extreme cases, and the other penalties should be suited to the crime, so as to remove the incentive or means (*e.g.,* dishonesty should be punished by loss of goods, calumny by infamy, lust by pain, etc.).

(b) *Persons Who May Be Punished.*—Punishment again is virtuous only because it pertains to justice and rights the inequality caused by sin. Accordingly, no one should be punished unless he has sinned or voluntarily transgressed. It is unlawful to punish the innocent for the guilty, or to punish an innocent person in order to keep him from future sins. It should be noted, however, that God inflicts temporal evils on the just for the sake of spiritual goods (*e.g.,* that they may not become attached to this world, may have opportunities of merit, and may give good example); that one person may be punished for the sin of another when he associates himself with or approves of that sin, as when careless parents have bad children or careless subjects bad rulers (Job, xxxiv. 30; Exod., xx. 5); that for a sufficient reason an innocent person may be deprived of a good for which he is unfitted (*e.g.,* ordination when one is irregular by defect) or to which he has no personal or absolute claim (*e.g.,* the family property when it is lost to the children because the father is fined).

**2385. The Virtue of Truthfulness.**—Having treated the virtues of gratitude and vengeance, which deal with moral obligations caused by an act of the creditor, we now pass on to truthfulness, which is a moral obligation that arises from the acts of the debtor in which he communicates with others. For he who speaks, writes, or otherwise manifests his mind to others puts himself under a duty of not deceiving. Truthfulness or veracity is defined as "a moral virtue that inclines one duly and faithfully to express what is in one's mind."

(a) It is a *virtue,* that is, a good habit, and so it differs from truth, which is the object of intellectual habits. Thus, the First Truth or God is the object of faith. Truthfulness is not the object of a virtue, but it is a virtue.

(b) It is a *moral* virtue. It deals with external things (*viz.,* the words or signs by which we express our thoughts), and so it is not a theological virtue; moreover, though the knowledge of truth belongs to the intellect, the right manifestation of truth depends on a good will, and so truthfulness is not an intellectual virtue: the truthful man may be unlearned, but he loves honesty.

(c) It regulates the *expression of the mind,* that is, the words, writing, gestures, conduct, and other external signs, so as to make them conformable to the mind which they stand for. Truthfulness deals with internal things (*e.g.,* when the speaker says that he has good health or is well disposed towards another) and with external things as they appear to the speaker (*e.g.,* when he says that he is certain or believes that a report is accurate).

(d) It is a *faithful* expression of what is in the mind or belief. Hence, one may be truthful while making statements contrary to fact, or untruthful while making statements agreeable to facts, for truthfulness is sincerity, not correctness.

(e) It is a *due* expression of one's mind or belief; that is, it is given when and where and as it should be given. A person who speaks out his mind on all occasions, with no regard for results, is not a liar, but he is at least imprudent, and he cannot be said to possess the virtue of truthfulness, for every virtue is prudent. Examples of this are persons who unnecessarily indulge self-praise by telling their true virtues or perfections (Prov., xxvii. 2), or who vaingloriously or otherwise foolishly publish their true sins or imperfections (Is. iii. 9).

**2386. The Excellence of Truthfulness.**—(a) Truthfulness is a virtue, since it makes right use of language and other signs by employing them for the truth, and also serves society, which rests on the trust that men have in the words and promises of their fellow-men. St. Paul admonishes the Ephesians (iv. 25) that each one speak the truth to his neighbor, since all are members of the other.

(b) It is a moral virtue, preserving moderation in conversations and other interchanges of thought. This virtue sees that facts are neither exaggerated nor understated, that truth is not manifested when it should be concealed, nor concealed when it should be spoken.

(c) It is a special virtue, for, while the other moral virtues regulate actions and external things, none of them except truthfulness regulates those objects precisely in their character of media or instruments for signifying and conveying thoughts, opinions, and decisions. And since a great part of human life is occupied in conference or correspondence with others, truthfulness is one of the most useful of the virtues and one whose exercise is most frequently called for.

(d) It is a virtue annexed to justice. On the one hand, it is like justice, since it pays a debt which one social being owes another of speaking the truth; on the other hand, it falls short of justice, since the debt is moral, not legal. This is said of truthfulness in ordinary intercourse, for in judicial process and in contracts there is also a legal obligation of justice to tell the truth.

**2387. Sincerity and Fidelity.**—Two virtues that pertain to truthfulness are sincerity and fidelity.

(a) Sincerity (simplicity) is the virtue of one who is consistent with himself, avoiding duplicity and double dealing of every kind, such as lies, equivocations, sophistries, specious excuses, quibbles, dishonest shifts, distractions, concealments, and the like.

(b) Fidelity (loyalty) is the virtue of one who fulfills promises that are obligatory only in virtue of his word freely given. It differs from constancy, which is concerned not with promises but resolutions, and from virtues concerned with promises that are obligatory in virtue of legal debt, such as contracts, promissory oaths (see **1692, 1749, 1753, 1888**). Fidelity makes an honest man's word as good as his bond, and it is therefore one of the most appreciated of virtues (Matt., xxv. 21; Psalm xiv). Horace calls it the sister of justice.

**2388. Vices Opposed to Truthfulness.**—(a) By defect one sins against truth through lying and breach of promise; (b) by excess one sins against truthfulness in violation of secret or other unjustifiable disclosures.

**2389. Lying.**—A lie is a word spoken with the purpose of stating what is not true.

(a) It is said to be a *word,* by which is meant any external sign consisting in speech or its equivalent. A lie may be expressed by language, oral or written, by signs, by gestures, by insinuation, by expressive silence, by actions or conduct (see **2012, 2028**).

(b) A lie is *spoken,* that is, expressed externally. But the guilt is found in the will, and hence those who plan lies are guilty of mendacity, even though they do not carry out their plans.

(c) A lie is told with *purpose;* that is, there is a comparison by the intellect of the sign with the thing signified and a voluntary choice of the insufficient sign to be used. An infant or an unconscious person, therefore, may tell an untruth, but he cannot tell a lie. Moreover, a person who has no good command of language or no clear understanding of a subject is not guilty of lying when in spite of his efforts to the contrary he gives misleading impressions. But those who do not think before they speak, or who use language carelessly or inaccurately, may be guilty of injustice and deception, or even of indirect lying.

(d) The purpose of a lie is the *statement of what is not true,* or the pretense that what is not in one's mind is in one's mind. Just as truth is the agreement of the word with the thought, so a lie is the disagreement of word with thought. But a lie need not be entirely false, and indeed one of the most dangerous of lies is what is known as a half-truth, in which some real facts are told in order to give support to pretended facts, or in which valid arguments are adduced to throw dust in the eyes as regards other arguments that are sophistical.

**2390. Statements Liable to Misunderstanding or Misinterpretation.**—A word that sufficiently expresses one's idea is not a lie or a deception, even though another idea will be taken from it by a listener or is conveyed by its mere letter.

(a) Thus, misunderstanding due to defect, not of the speaker, but of the listener, does not make one's words untruthful, any more than it makes them scandalous (see **1462**), as when the listener has not given attention to what was said (John, xxi. 23). Even a speech worded obscurely because the matter is obscure, or because the listener would be harmed by plainer speech (see **1001**), is not mendacious but prudent.

(b) Misinterpretation to which a statement is open on account of its wording does not make the statement untruthful, if the context or circumstances sufficiently disclose the true meaning of the words. Examples: hyperbolical, ironical or other metaphorical speech; words spoken in jest or in terms of customary politeness, such as "your most obedient servant"; statements made inquiringly or hypothetically (*e.g.*, when a judge or prosecutor accuses a defendant of crime in order to discover the truth; cfr. Gen., xlii. 9), or by way of mere quotation or of fictitious narrative (*e.g.*, fairy tales, stories, reveries), or of disputation as in school debates exercised for the sake of practice in argumentation. It is not a lie to write under a pen-name, to speak according to the personality one represents (Gen., xxxi. 13; Tob., v. 18), to answer according to the mind of a questioner, as when A says to B: "Have you seen your father?" meaning, "Do you know where he is?" and B replies: "I have not seen him," meaning "I do not know where he is." Lying contests, in which fishermen, sportsmen, etc., vie with one another to see who can tell the most incredible yarn or tall tale, are not in themselves sinful, but there may be circumstances (for example, scandal, deception, danger) that make them reprehensible.

**2391. Divisions of Lies.**—(a) Intrinsically, or in respect to its nature as a departure from the speaker's mind, every lie is either an exaggeration, which tells more than the truth, or a suppression, which tells less than the whole truth. He who affirms what he does not believe, or who states as certain what he thinks is uncertain, exaggerates; he who denies what he believes, or who states as doubtful what he holds as certain, is guilty of suppression.

(b) Extrinsically, or in respect to purpose, mode, and result, lies are of many kinds. As to mode, a lie is either spoken or acted, the former being a falsehood and the latter a simulation or hypocrisy. As to its immediate purpose, a lie is meant either to express falsehood only or to deceive, the former being misrepresentation and the latter deceit (*e.g.*, if Claudius knows that he calumniated and that Sempronius heard the calumny, and yet brazenly denies the calumny to Sempronius, there is misrepresentation); if Claudius tries to mislead others who only suspect him and gives false alibis, there is deceit. As to its ulterior purpose, a lie is meant for good (an officious or jocose lie) or for evil (a pernicious lie), or is directed to both good and evil. As to its result, a lie sometimes produces and sometimes does not produce a statement at variance with fact; it sometimes deceives and sometimes does not deceive the auditors.

**2392. Classification of Lies.**—Every lie is harmful from its nature, since it tends to deceive others and so to disturb the good order of society. But the reason that moves persons to lie is not always evil, and hence we have the following classes of lies.

(a) Some lies are told for a good purpose, as when one lies in order to please (jocose lie) or to serve another (officious lie). Jocose lies include all kinds of humorous and interesting narrations and descriptions meant only to afford pleasure, but given out as facts by one who does not believe them to be facts. Untruths told in such a way (*e.g.*, with a laugh or in a playful tone, especially if the auditors have a sense of humor) that it is clear they are not meant to be taken seriously, are not jocose lies or lies of any kind. Officious lies are told with a view to assisting or accommodating a neighbor, that he may receive some good (*e.g.*, to hold out false promises as an inducement to good conduct) or escape some evil (*e.g.*, to fill the ears of a despondent man with false reports of good news in order to revive his spirits). It seems that we should regard as officious lies various statements made by Jacob (Gen., xxvii. 35), David (I Kings, xx. 6, xxi. 2, xxvii. 10), and Judith (x. xi. xii).

(b) Some lies are told for an evil purpose, as when one lies merely to indulge a propensity for falsehood or for the sheer pleasure of lying (lies of inclination), or when one lies to injure another person (pernicious lies).

**2393. Motives for Lying.**—The motives for lying are not always simple, and it may happen that in one and the same lie there are several motives of different character.

(a) Thus, an officious lie is not always dictated by pure benevolence. It may be selfish (*e.g.*, when one lies to conceal the delinquency of another in which one was involved), as well as altruistic (*e.g.*, when the liar derives no benefit from the lie), or self-sacrificing (*e.g.*, when the liar is put to expense, trouble or loss through his lie).

(b) An officious lie may also be pernicious and jocose, for it may affect different persons in different ways. Thus, if Claudius calumniates Julius in order to shield Balbus from the bad opinion of Caius, who does not know Balbus, and to amuse Sempronius who knows the truth, the lie is pernicious as regards Julius, officious as regards Balbus, and jocose as regards Sempronius.

**2394. Comparison of the Gravity of Various Lies.**—(a) Lies of exaggeration are not worse as lies than lies of suppression, for in both cases the truth is departed from. But it is more imprudent to overstate than to understate, and in this sense the lie of exaggeration is worse.

(b) Lies are aggravated by the purpose to harm, and the greater the harm, the greater the sin. Thus, the worst of all pernicious lies is that which is directed against God, as in false religious doctrine; and the lie that harms a man in spiritual goods is worse than a lie that harms in temporal things only.

(c) Lies are mitigated by the purpose to help, and the greater the good intended the less the sin. In other words, lies that are not pernicious are not so bad as pernicious lies, officious lies are less sinful than jocose lies, officious lies told for the sake of some great good are not so grave as those told for the sake of a lesser good. Thus, it is a less evil to lie in order to save a man's life than to lie in order to take his life; it is less sinful to lie in order to spare another the shock of bad news than to lie for the sake of embellishing a tale; it is a less offense to lie in order to ward off a bodily harm than to lie in order to prevent a financial loss.

**2395. Sinfulness of All Lies.**—But though lies are unequal in sinfulness, it remains that no lie, even the smallest (such as are called fibs or white lies), is ever justified, even by the greatest good (Job, xiii. 7), for a lie is intrinsically evil, and the end does not justify the means.

(a) A lie is a sin, because it is an abuse of speech and other signs given by God for the manifestation of truth; because it is an unfriendly and unsocial act, tending to the disruption of kindly relations between men; because it is directly opposed to truth, the proper and distinctive good of the human mind. Even the pagans have regarded liars with contempt and considered lies as disgraceful, and even those who lay no claim to virtue feel gravely insulted if called liars. In many places the Scriptures forbid lying (Exod., xxiii. 7; Levit., xix. 11; Prov., xii. 22; Ecclus., xx. 26; Col., iii. 9), and St. Paul especially (Eph., iv. 25) is very clear on this point: "Putting away lying, speak ye the truth every man with his neighbor, for we are members one of another." The Fathers and the theologians are generally agreed that no necessity, not even the danger of death, excuses a lie, any more than it excuses theft or adultery. If God could approve of even one lie, would not that approval undermine our faith in His own veracity? Surely we have no implicit confidence in one who helps to deceive us even in a small matter.

(b) A lie, considered precisely as a lie, seems from its nature to be only a venial sin, for the disorder of using signs against one's mind is not serious, and the harm done society by mere denial of truth is not necessarily grave (the case would be otherwise if truth could be denied on principle as a lawful thing). Even pious persons do not regard harmless lies as very sinful (see **2143, 2386**). Hence, as jocose and officious lies have no other malice than that of untruthfulness and as the malice is lessened by the intention, they are generally venial; but some extrinsic circumstance (such as scandal, the fact that one lies habitually and without scruple, or disastrous results) may render them mortal. Pernicious lies have another malice besides that of untruthfulness, and accordingly the case with them is different.

**2396. When Lying Entails No Formal Sin.**—Lies are sometimes free from all formal sin on account of ignorance (as in the case of children or uninstructed persons, who think they may use lies in case of great difficulty) or on account of irresponsibility (as in the case of certain defectives who seem to be born liars).

**2397. Pernicious Lies.**—Pernicious lies are mortal sins from their nature, but may become venial from the imperfection of the act or the lightness of the matter. For a pernicious lie sins not against truth only, but also against justice or charity. Hence, it is said that the liar destroys his own soul (Wis., i. 11), that a lie is abominated and hated by the Lord (Prov., vi. 17, xii. 22), that it has the devil for its father (John, viii. 44), that it brings down divine vengeance (Ps. v. 7) and will receive its portion in the pool of fire and brimstone (Apoc., xxi. 8). This sin is committed in two ways, as follows:

(a) a lie is pernicious when its matter is harmful, as being contrary to sound doctrine, good morals or true science. Hence, a preacher sins gravely if the substance of his pulpit teaching is mendacious (*e.g.,* if in a sermon he enunciates or defends erroneous principles of conduct), venially if he lies about accidentals (*e.g.,* if he gives the wrong chapter or verse for a text); a scientist, a physician, a jurist, or the like is similarly guilty of a pernicious lie when he misleads the public by unreliable information. A penitent in the confessional and a witness in court lie perniciously if their statements about relevant matters are untrue, for the one injures the Sacrament and the other injures public justice; but if the lie is about some matter of slight importance, the sin is venial, unless there is no other matter in the confession, or the testimony is under oath;

(b) a lie is also pernicious when the intention of the liar is to injure God or his neighbor, even though the matter itself is not opposed to true doctrine or is not official testimony. Examples are found in those who lie in a humorous way in order to injure or sadden others.

**2398. Concealment of the Truth.**—Truthfulness is offended not only by the declaration of falsity (*i.e.*, of what is not in the mind), but also by the unlawful concealment of the truth (*i.e.*, of what is in the mind). The truth is concealed either negatively or positively.

(a) There is negative concealment of the truth, when one has recourse to silence or evasion. Everyone admits that this kind of concealment is lawful when there is no obligation to give information, or when there is an obligation not to give it. Thus, a person who is besieged by newspaper reporters does not feel obligated to answer all their questions; a person who is interrogated by curious individuals about his business or financial affairs, does not feel guilty if he evades their questions by changing the subject, or by asking them similar questions. or by putting them off till a more convenient time, etc.

(b) There is positive concealment of the truth, when one gives a reply in language that is obscure to the listener or obscure in itself. If the listener has no right to the truth, it is not wrong to give it to him in words which he will not understand (*e.g.*, in technical or scientific terms); for if he is deceived, he can blame only his own impertinence or dullness. The case is more difficult, however, if the reply is obscure in itself, that is, if use is made of ambiguity or mental reservation.

**2399. Mental Reservation.**—Mental reservation is an act of the mind by which a speaker restricts or limits his words to a meaning which they do not naturally or clearly convey; or it is an internal modification of an external speech delivered without any or without clear external modification. There are two kinds of mental reservation.

(a) Strict mental reservation is that in which the internal modification is manifested by nothing external, neither by the natural sense of the words (*i.e.*, the meaning that ordinarily attaches to them) nor by their accidental sense (*i.e.*, the meaning they receive from their context, such as the circumstances of time, place, usage, person who questions, person who is questioned, etc.). Example: Titus, who struck Balbus with a club, denies that he hit him, meaning that it was the club which hit Balbus directly.

(b) Broad mental reservation is that in which the internal modification can be perceived, at least by a prudent person, either from the natural sense of the words (because they are known to be capable of different meanings), or from the context (because circumstances indicate that the words are not to be taken in their obvious sense). Example: Claudius accidentally ran against and wounded Sempronius and the latter thinks that someone struck him a blow. Claudius denies that he *struck* Sempronius, or declares to those who have no right to ask that he knows nothing about the matter.

**2400. Lawfulness of Mental Reservation.**—(a) Strict mental reservation is unlawful and has been condemned by the Church (see Denzinger, nn. 1174–1178). The reasons are, first, that it is a lie, since it employs words that do not at all express what the speaker has in mind, and his mental reservation cannot give them a significance they do not possess; secondly, that, if it were lawful, every dishonest person could easily escape the guilt of lying and yet deceive at will. According to Scripture the sophistical speaker is hateful (Ecclus., xxxvii. 23), but the just man speaks and swears without guile (Ps. xxxiii. 14, xxiii. 4).

(b) Broad mental reservation is unlawful when there is a reason that forbids its use, or when there is no sufficient reason to justify its use. Reservation is forbidden when a questioner has the right to an answer free from all ambiguity, for example, when a pastor questions parties preparing for marriage, when a person who is about to be inducted into office is asked about his freedom from disqualifications, when a witness in court is interrogated about matters on which he can testify, when one party to a contract seeks from the other necessary knowledge about the contract; for in all these cases injury is done by concealment of the truth. Reservation is not justified, unless it is necessary in order to secure some good or avoid some evil, whether spiritual or temporal, whether for self or for another, and the end compensates by its importance for the deception that may be caused. Apart from such necessity mental reservation is, to say the least, a departure from the virtue of Christian sincerity or simplicity, which pertains to truthfulness and which forbids one to conceal the truth from others when there is no good reason for concealment (Matt., v. 37). Moreover, the friendly relations of mankind would be impaired if it were lawful to speak equivocally even when trifling things are discussed or when there is no reason to be secretive.

(c) Broad mental reservation is lawful when there is a sufficient reason for it, such as the public welfare (*e. g.*, the preservation of state secrets or of military plans), spiritual welfare (*e.g.*, the prevention of blasphemy or intoxication), bodily welfare (*e.g.*, the prevention of death or murder), or financial welfare (*e.g.*, the prevention of robbery). But the reservation must be necessary, as being the only lawful means that will secure the end (*e.g.*, one should not use reservation when evasion or silence will suffice); and it should not be injurious to the rights of another (*e.g.*, it should not be employed against the common good in favor of a private good). The reason for the present conclusion is found in the principle of double result (see **103 sqq.**) and in the fact that a broad mental reservation is not intrinsically evil, since it contains no lie or insincerity and causes no injury to individuals or society. There is no lie, because the words correspond with the thought, either from their natural signification (in case of double-meaning words), or from their accidental signification (in case of words whose meaning is varied by the context); there is no insincerity, for the aim is only to conceal a truth that should not be made known; there is no injury to the listener or questioner, since, if he is deceived, this is due to his own heedlessness or dullness or unjustified curiosity; there is no injury to society, since the general welfare demands that there be some honest means of eluding unjust inquiries and of protecting important secrets. Our Lord Himself, who is infinitely above all suspicion of duplicity or insincerity, may have used broad mental reservations when He declared (John, vii. 8–10) that He would not go up to Jerusalem, that the daughter of Jairus was not dead but sleeping (Matt., ix. 24), that He would rebuild the temple in three days (John, ii. 19), and that the day of judgment was not known to Him (Mark, xiii. 32). Other cases of mental reservation in Scripture are found in Eliseus (IV Kings, vi. 19).

**2401. When Is Broad Mental Reservation Lawful?**—There is general agreement that broad mental reservation is lawful in the following cases:

(a) it is lawful and obligatory when one is bound to keep the truth from the person who asks it. Hence, those who are questioned about secrets which sacramental or professional confidence forbids them to disclose (*e.g.,* confessors, doctors, lawyers, statesmen, and secretaries) should deny knowledge, or, if hard-pressed, even the facts. The answer, "I do not know" or "No," in these cases simply means: "I have no personal or communicable knowledge." In war time a government has the right to censor the news in order to keep information from the enemy. A reason of charity might also make it obligatory to disguise the truth by mental reservation (*e.g.,* when a clear reply given to the question of a sick person would only weaken a slender hope of saving his life, or when exact information given to a gunman would enable him to overtake an intended victim);

(b) it is lawful when a reasonable local custom permits one to withhold the truth. Thus, an accused person, even though guilty, has the right to plead not guilty, which means that he does not confess guilt; a person who has a visitor at an unseasonable hour may send word that he is not at home, which means that he is not at home to visitors; a person who is asked for an alms or a loan which he cannot conveniently grant may answer, according to many, that he has not the money, which means that he has no money to spare for those purposes (see **2251**).

**2402. Ambiguous Answers.**—Are ambiguous answers which are not given according to the questioner's mind, and for which there are no reasonable justifications, to be classed as lies?

(a) If the answer, even in the setting of its context, retains its ambiguity or can be interpreted in two ways, there is not strictly speaking a lie, for the words signify, though obscurely, what is in the speaker's mind. But this is a form of insincerity known as equivocation or quibbling, which many regard almost as disreputable as plain lying. The pagan oracles that made predictions that would suit any turn of events and politicians who so word themselves as to be on opposite sides at the same time are examples of equivocation.

(b) If the answer, though verbally susceptible of two senses, is contextually limited to one sense, it is a lie; for it does not express the speaker's mind. Thus, if Titus knows that Balbus is good physically or mentally but not morally, he equivocates by answering that Balbus is good, if from the circumstances this indicates only that in some way or other Balbus is good; but Titus lies by answering that Balbus is good and restricting his meaning to physical goodness or industry, if the question propounded referred to moral goodness.

**2403. Simulation or Pretence.**—A special form of untruthfulness is simulation or pretence, which uses external deeds or things to signify the contrary of what one thinks or intends internally.

(a) Simulation uses external deeds or things, and thus there is an accidental difference between lying and simulation, the one being untruthfulness in word and the other untruthfulness in deed (see **1678 sqq.**).

(b) It employs deeds or things to signify. Unlike words, deeds and things were not meant principally to signify, and hence not all conduct at variance with one's ideas is simulation. One may act without any thought of the impression the act makes on others (*e.g.*, when one keeps sober, not from wish, but from necessity). And even when an act is done with the intention to influence others by it, the purpose may be, not to signify, but to conceal something (*e.g.*, Josue fled from the troops of Hai to keep them from a knowledge of his plans, Jos., viii. 1 sqq.; David feigned insanity to conceal his identity, I Kings, xxi. 11 sqq.). Thus, simulation teaches error, and dissimulation hides truth from those who have no right to it. That dissimulation is generally recognized as lawful is seen from such examples as stratagems, ambushes, camouflage in war, disguises in detective work, and concealment of marriage by couples not ready for housekeeping.

(c) It signifies the contrary of what one has in mind, as when one who is sad laughs and jokes to make others think he is happy, or one who is well apes the actions of a sick man so as to appear unwell, or when one who hates his neighbor treats him as a friend in public. A special form of simulation is hypocrisy, which makes a show of virtue that one does not possess at all or in the degree pretended. There is no simulation if the exterior corresponds with what one has is mind, for example, at Emmaus Christ made as though He would go farther (Luke, xxiv. 28), but He meant not to stop without an invitation.

**2404. The Sinfulness of Simulation.**—(a) In general, simulation is a sin, since it is nothing else than an acted lie. But deeds, with the few exceptions of bows, nods, gestures and the like, are not from their nature signs of thoughts, and those employed to serve as signs are more indeterminate and equivocal than words; hence, it is not always as easy to decide that an act is simulatory as to decide that a word is a lie. Thus, it is not simulation to make use of false hair, false teeth, or false jewelry as means of protection or of adornment, there being no intention to mislead; neither is it simulation for a wicked cleric to wear the clerical garb, for the dress signifies primarily his state, and not necessarily his personal moral character.

(b) In particular, simulation by hypocrisy and treachery is detestable; for hypocrisy prostitutes works of virtue to the ignoble ends of applause or lucre or worse, while treachery uses the intimacy or marks of friendship as means for betrayal. The most stinging rebukes of Our Lord were given the hypocritical Pharisees ("Blind guides, whited sepulchres, serpents, generation of vipers," Matt., xxiii. 23 sqq.), and among the saddest words of Christ are those addressed to Judas ("Dost thou betray the Son of man with a kiss?" Luke, xxii. 48). Against the former he pronounced woes, and He declared that it were better if the latter had never been born (Matt., xxvi. 24).

**2405. Sinfulness of Hypocrisy.**—(a) Hypocrisy in its strictest sense is the simulation of one who wishes to seem but not to be virtuous. This sin is mortal, since it cares nothing for virtue, and its external pretense is but a mockery. It is this hypocrisy that is so scathingly denounced in Scripture.

(b) Hypocrisy in a less strict sense is the simulation of one who is in mortal sin, but wishes for some reason to appear virtuous or to lead a double life. The sin is mortal or venial according to the motive; for example, to act the hypocrite in order to seduce another is a mortal sin, though, if the motive is only vanity, the sin is venial. It should be noted that it is not hypocrisy for a just cause to conceal one's sin by dissimulation; indeed, Isaias severely blames those who scandalize others by flaunting their wickedness before the public (Is., iii. 9).

(c) Hypocrisy in the widest sense assumes the appearance of a high degree of sanctity above that requisite for salvation, as when a person of ordinary goodness tries to gain the reputation of miracle-worker, or to pass as one better than others in faith, zeal, humility, etc. This sin is not mortal in itself, but it may become mortal on account of some motive, some means, or some other circumstance. There is no hypocrisy at all, however, in showing oneself for the virtue one really has; on the contrary, he lies, who being good pretends that he is not good, or who being free of a vice pretends that he is guilty of it.

**2406. Self-Glorification and Self-Depreciation.**—Two forms of lying about self are self-glorification and self-depreciation.

(a) Braggadocio is untruthful self-glorification, as when one pretends to be of royal descent, or makes a display of wealth beyond one's means, or poses as an authority on matters of which one is ignorant, or tries by bluff to make one's defects seem perfections. This sin is mortal when the lie is seriously injurious to God or others (Ezech., xxviii. 2; Luke, xviii. 11), or when the motive is gravely sinful, such as grave arrogance, ambition, or avarice.

(b) Feigning of defects (irony) is untruthful self-depreciation, as when one falsely denies a good quality which one possesses (*e.g.*, an excessively humble man denies the good deeds that others ascribe to him, though he knows they are real), or when one falsely admits a bad quality which one lacks (*e.g.*, a person who wishes to curry favor accuses himself of misdeeds which he knows never happened). This sin is usually less than braggadocio, since as a rule its purpose is to avoid offense to others; but it may be serious sin on account of some circumstance, as when one speaks ill of self in order to scandalize or seduce another. At times the feigning of defects is a concealed braggadocio, as when one dresses in rags, hoping by this expedient to acquire repute as a person of great spirituality (Prov., xxvi. 25; Matt., vi. 16; Ecclus., xix. 23).

**2407. Infidelity and Violation of a Secret.**—It remains to speak of the vices of infidelity and violation of secret (see **2388** a). As to the former, since it has been discussed elsewhere (**1877 sqq., 1888, 1889**; see also the matter on Promissory Oaths), it will suffice here to ask the question: Is the breach of a promise freely given a sin?

(a) If observance of the promise is due from fidelity only, there is no legal fault, but there is moral fault, and hence the breach of the promise is a sin. The malice is essentially the same as that of untruthfulness (see **2395**), for both the liar and the promise-breaker show themselves unreliable, the former because his words do not square with his mind and the latter because his deeds do not live up to his plighted word. Breach of promise, then, seems *per se* to be a venial sin, though there are often circumstances (such as damage done) that make it mortal.

(b) If observance of the promise is not due even from fidelity, on account of the presence of some defect, there is no moral obligation to keep the promise and no sin is committed by not keeping it. The defects referred to are such as make the promise lack force from the beginning (*e.g.*, if it was immoral or extorted by force), or deprive it of the force it had (*i.e.*, inability on the part of the promisor or loss of right on the part of the promisee). The promisor is unable to keep the promise, if the thing promised has become physically impossible (*e.g.*, he no longer has the strength or the means to perform what he promised), or morally impossible (*e.g.*, the thing promised has become unlawful, or a notable change has taken place which, could it have been foreseen, would have prevented the promise). The promisee loses his right if the sole or principal reason that dictated the promise has ceased, or if the promise has become useless to the promisee, or if the promisor has been released, or if the promisee forfeits his claim by his own perfidy towards the promisor (see **2256 sqq., 1889**).

**2408. Definition of a Secret.**—A secret is a matter (*e.g.*, an invention, valuable information, concealed virtues, the fact that a crime has been committed) known privately by only one person or by so few that it is neither public property nor notorious. Moralists distinguish the following kinds of secrets:

(a) a *natural* secret, which is one that cannot be revealed without causing injury or annoyance to another, as when the revelation will harm a person in his reputation, honor, influence, property;

(b) a *promised* secret, which is one that a person has promised, but only *after* he had already learned it, to guard inviolate. It makes no difference whether the promisor learned the secret from the promisee or from some other source;

(c) an *entrusted* or *committed* secret, which is one that a person promised (and *before* he learned it) to keep from others. The promise here is either implicit or explicit. An implicit promise of secrecy is one that is demanded by the confidential nature of communications between two parties (professional secret), as when physicians, lawyers, priests, parents, or friends are told of private matters on account of their position or relationship. An explicit promise is one that is given in express terms, as when A says to B: "I have a matter of great importance to tell you, but you must first promise that you will keep it secret''; and on B promising, A confides to him the secret.

**2409. Sinfulness of Violating a Secret.**—A secret is the property of its owner, and to it he has a strict right; for if it is a good secret (such as an original idea or discovery), it is the product of his labor or at least a possession which he has lawfully come by; if it is an evil secret (such as a crime of which he has been guilty), it may not be made known without infringing on his right of reputation. It is no more lawful to violate the right to a secret than to violate the right to property, and, as there are three kinds of injuries to property, so there are three kinds of injuries to a secret.

(a) Thus, the right of possession is injured by those who by fraud or force or other illegal means deprive another of his secret (*e.g.*, by secretly intercepting private letters, by making a person drunk in order to learn a secret).

(b) The right of use is injured by those who on acquiring knowledge of a secret guide themselves or others by it to the detriment of the owner's rights.

(c) The right of disposition is injured by those who reveal a secret which they were obliged not to reveal.

**2410. Prying Into Others' Secrets.**—To seek to discover the secrets of others is not lawful unless the following conditions are present:

(a) one must have a right to the knowledge. Hence, if there is question about a crime that has been committed or that is about to be committed, one has a right to investigate in order to prevent harm to public or private good; in war one may try to discover the plans of the enemy. But it is not lawful to pry into purely personal matters, to fish from others natural or confidential secrets which they are bound to keep, to steal from another the thoughts, plans, inventions, etc., which are his own;

(b) one must use only honest means to discover secrets to which one has a right (**1504**). Thus, it does not seem lawful generally to inebriate another in order to learn his secret, and it is certainly sinful to resort to lies or simulation or immorality.

**2411. Reading Another's Letters or Papers.**—When is it lawful to read the letters or other papers of another person?

(a) This is lawful when the writings are not intended to be secret to anyone, as when a circular is meant for public use, when greetings are written on a postcard which all may read, and when a letter is left open and thrown away or otherwise abandoned. But a sealed letter, or one left open in a private room, or one lost in a public place, is secret. If a letter or manuscript has been torn up by its owner and thrown away on the street or other public place, it does not seem lawful to piece the fragments together and read the writing, for, though the paper has been abandoned, the owner by destroying it has indicated his will to keep the contents secret.

(b) It is also lawful to read the writing of others that are not secret as regards oneself, as when one has received a just permission from the writer to peruse a letter written by him, or when one may presume such permission on account of friendship with the writer, or when rule or lawful custom gives the superior of an institution the right to inspect the correspondence of his subjects. Exception must be made for exempted matter for which there is no permission, such as letters containing conscience matters and letters directed to higher religious superiors (see Canon 611).

(c) It is also lawful to read the writings of others that are meant to be secret, if one has a right to know what is in them: for in such a case the owner would be unreasonable if he wished to exclude one from the knowledge. Thus, the public authority (*e.g.*, in time of war) has the right to open and read letters and private papers, when this is necessary for the common good; parents and heads of boarding schools may examine the correspondence of their subjects, though parents should respect conscience matter and others should not read family secrets; private individuals have the natural right, as a measure of self-defense, to read another's letter, when there is a prudent reason for thinking that it contains something gravely and unjustly harmful to themselves (such as conspiracy, a trap, calumny).

**2412. Lawfulness of Utilizing Knowledge of Secret.**—One is said to use the knowledge obtained from a secret when one guides one's conduct by the knowledge, doing or omitting what one would not otherwise do or omit. Is this use of a secret lawful?

(a) If there was a promise not to use the secret, such use is unlawful (see **2414**). Breach of promise is then, in case of a merely promised secret, an act of infidelity at least, and in case of an entrusted secret an act of injustice. Thus, when one consults a professional person, there is a tacit understanding that the knowledge communicated will not be used against one's interests or without one's consent, and hence a lawyer would be unjust if, on learning in the course of work for a client that the latter's business was not prosperous, he gave word of this to one of the client's creditors.

(b) If there was no promise not to use the secret, the use of it is nevertheless unjust, if it infringes a strict right (*e.g.*, to make money from a secret process on which another has a patent, to get knowledge of another's information and plans through reading his letters and thereby to prevent him from securing a vacant position), or if it is equivalent to unjust revelation of a secret. The use is uncharitable if it harms another person without necessity (*e.g.*, to take away one's trade from a deserving merchant solely because one has learned that on one occasion he was accidentally intoxicated).

(c) If there was no promise to avoid use and no harm will be done by use, it is lawful to use a secret for a non-necessary good (*e.g.*, to raise the price on one's property when one accidentally learns through overhearing a secret conversation that the property is worth the higher price), and it is obligatory to use it for a necessary good (*e.g.*, to assist a neighbor when one is told under secret that he is in dire need of one's charitable help). Even though harm will result to another by use of the secret, use is not sinful if it infringes no right and could be sacrificed only at great inconvenience to oneself, as when one has discovered by one's own industry some important truth in an art or science which another had previously discovered but had neglected to make his own by exclusive right, or when one learns under secret that another person is one's enemy and has to be watched and avoided.

**2413. The Sin Committed by Stealing or Unduly Using the Secret of Another.**—(a) From its nature (cases of mere fidelity excepted) the sin is mortal, as being a violation of commutative justice or of charity. Injury to property rights, whether in goods or in knowledge, is violation of a strict right (see **1890, 1894**). The sin is aggravated by the greater import of the secret or by the greater damages or displeasure caused.

(b) From the imperfection of the act or the lightness of the matter the sin may become venial, as when one thoughtlessly reads another person's letters, or opens correspondence without authority, feeling morally sure that there is nothing confidential in it, or makes use of an unimportant secret without permission.

**2414. The Obligation of Keeping a Secret.**—(a) The natural secret obliges *per se* under grave sin; for violation of it offends charity and justice by saddening and harming a neighbor. The sin may become venial on account of lightness of matter, as when little sadness or harm is caused.

(b) The promised secret obliges ordinarily under light sin only; for as a rule the promisor intends to obligate himself in virtue of fidelity alone (**1888**), and the obligation of fidelity, as said above (see **2407**), is not grave. But exceptionally the obligation may be grave, as when the promisor intended to bind himself in virtue of justice and under grave sin, or when the secret is natural as well as promised.

(c) The entrusted secret obliges *per se* under grave sin; for there is a duty of commutative and of legal justice to keep it, on account of the rights of contract and of the common good that are involved. The violator of an entrusted secret injures private good by disregard for contract, and he injures public good by weakening confidence in officials or professional persons to whom others must go for advice or assistance. Violation of a committed secret may be only a venial sin on account of the lightness of the matter. Thus, some think it is not a serious injustice to reveal a secret to one very discreet person, if the person whose secret is made known is not very much opposed to this and no other damage will result (see **2065**).

**2415. Comparison of Secrets as Regards Binding Force.**—(a) The promised secret obliges less than the natural or the entrusted, as was said in the previous paragraph. (b) The natural secret obliges less *per se* than the entrusted secret, for the safeguarding of the latter is agreed to in an onerous contract, while no engagement is made to keep the former. (c) Some entrusted secrets are more sacred than others. Thus, a secret confided from necessity is more binding than one confided without necessity; a secret one has sworn to keep is more obligatory than a secret one has given one's word of honor to keep; a professional secret is more imperious than a private secret; a state secret is far more important than any secret of private individuals. The most inviolable of all secrets is that of the confessional, because its violation is always a sacrilege.

**2416. Cases Wherein It Is Not Necessary to Keep a Secret.**—(a) If there has been no obligation from the time the secret was learned, it is not necessary to keep it. Thus, if a merely promised secret was accepted under compulsion and revelation will be advantageous and not harmful, it does not seem necessary to keep the secret.

(b) If the obligation of the secret has ceased, it is not necessary to be silent. Examples are cases in which secrecy was promised only for a certain space of time, or in which a matter formerly secret has become public, or in which the owner of the secret wishes it to be divulged, or in which he has not kept faith with the possessor of the secret, provided of course that in these cases no injury or unnecessary harm is done by making known the secret. Similarly, if the recipient of the secret cannot keep it without grave harm (*e.g.*, death) to himself, he is not bound by it, unless charity (see **1165, 1236**) or justice calls for the contrary. Commutative justice would demand silence (though many make exception for a most grave reason, regarding a promise to the contrary as prodigal) if there had been an express contract to guard the secret at all risks; legal justice would demand it, if the safety of the republic were involved.

**2417. Cases Wherein It Is Not Lawful to Keep a Secret.**—(a) If a secret cannot be kept without greater harm to the common good, it may not be kept, for legal justice requires that private good be subordinated to public safety. The violation of secrets is a harm to the public good and a greater harm than ordinary evils against the community (such as the escape of a guilty person); but it is a less harm than serious evils against the people (such as menace to public health, sedition, or treason). The possessor of a natural or promised secret must make it known at the command of lawful authority, as in court; but the superior has no right to question about entrusted secrets of a necessary kind, and this is usually recognized by positive law in the protection extended to professional communications.

(b) If a secret cannot be kept without greater harm to the private good of the owner of the secret, distinction is made between a non-entrusted and an entrusted secret. In the former case the secret may not be kept, for charity bids one to help a neighbor escape a greater evil, and the owner of the secret would be unreasonable if he were opposed to its revelation (see **501 sqq.**). In the latter case, some are of the opinion that the secret should be kept, if it is professional (since the public good then takes precedence over the private good of the owner of the secret), but this is denied by others. Example: Titus knows that Balbus is about to marry with a secret impediment that will nullify the marriage, but he cannot persuade Balbus to disclose this impediment to the pastor.

(c) If a secret cannot be kept without greater harm to the private good of a third party (*i.e.*, one other than the owner of the secret), distinction is made between cases, according as injury is or is not done by the owner of the secret to the third party. If no injury is done the third party, the secret should be kept (*e.g.*, if one knows in confidence that Sempronius has made an invention which will supersede an invention made by Claudius, one is not at liberty to make this known to the latter, for Sempronius has done no injury to Claudius). If, however, injury is done the third party by the owner of the secret when the secret is kept, one should not keep the secret; for charity requires that one help an innocent person to escape from harm, even if this has to be done at the expense of harm to the guilty cause of the harm. Examples: If one knows as a secret that A, B and C have conspired to murder D tomorrow night, and one cannot otherwise prevent the murder, one should if possible break the secret, at least by sending warning to D that his life is in danger tomorrow night. If a doctor knows that a man who is about to contract marriage is syphilitic and pretends that he is sound, and if the doctor cannot persuade this man to make the facts known to the intended wife, the doctor himself should give notice to the woman, according to some authorities, unless the laws of the country forbid such use of professional knowledge.

**2418.** What should the possessor of an entrusted secret do, if from the secret he knows that the one who entrusted it is guilty of a crime for which an innocent third person is about to be convicted and sentenced?

(a) If the guilty party is responsible for the plight of the innocent party (*e.g.*, because he falsely accused him or threw suspicion on him), natural law would require the possessor of the secret to make known the true state of affairs; for the guilty party is then the unjust cause of damage and is bound to accuse himself (see **1763**). Revelation of the true culprit would not be necessary, however, if there was some other way of saving the innocent person.

(b) If the guilty person is not responsible for the difficulty in which the innocent person finds himself, not having used any means to bring the latter into suspicion, some believe that the secret should be kept, since the guilty person has then the right to keep his secret and therefore has also the right that his confidants keep it (see **1968**). But others, while granting that the guilty person is not obliged to accuse himself, deny that the confidant is not obliged to accuse him; for the right of the guilty that his secret be kept and the right of the innocent that he be not deprived of life or liberty are in conflict and unequal, and he who prefers the former right does an injury to the innocent person (see **288**).

**2419.** The previous question was concerned with an innocent third party. If the holder of the secret is also the accused, it seems he is not obliged, unless perhaps when he agreed to it, to prefer the inviolability of the secret to his own justification; for the acceptance of a secret does not mean that one binds oneself to grave hardship for its preservation (see **2418**). The thing to do would be to warn the guilty person to escape in time, and then to exculpate oneself by making known the truth.

**2420. Lawfulness of Revealing a Secret Learned by Stealth or Force.**—Is it lawful, in order to avert some great evil, to use or reveal against the interests or wishes of its owner a secret which one has learned by stealth (*e.g.*, by spying, eavesdropping, wiretapping, unauthorized inspection of papers) or by force? Various answers are given to this question, but to us the following seems the best:

(a) if the stealth or force would not be unjust here and now, because the owner of the secret has a duty to disclose it (*e.g.*, on account of the public good, on account of the extreme need of a private person), or the other party has a right to seek after it (*e.g.*, because he cannot otherwise defend himself against the unjust vexation of the owner of the secret), the answer is in the affirmative; for in such a case there is only applied the principle of lawful occupation or of lawful self-defense (see **1920 sqq.**, **1819**). But if the stealth or force is excessive in its manner or productive of unnecessary harm, it is sinful and induces the duty of restitution; nor is there any right to make such use or such revelation of a secret as is sinful in itself (*e.g.*, on account of calumnies, scandals, disorders);

(b) if the stealth or force would be unjust here and now, the answer is in the negative; for in such a case there is real theft of a secret, a person's most intimate possession, and a continuation of the original injury by the use of the stolen property against its owner, or at least an unlawful conversion of property. Hence, if there is no grave or proportionate reason for the use of the secret, or if other and simpler methods can be employed, the secret may not be used. Those who play the detective ostensibly for other reasons but really for purposes of blackmail or other personal advantage, are therefore in the same class as thieves and are bound to restitution; their sin is *per se* mortal, for secrets are usually esteemed more highly than money, and it would be seriously detrimental to the public weal if the practice of using secrets unlawfully obtained (*e.g.*, by secretly taking down privileged communications or state secrets) were permissible.

**2421. The Virtues of Affability and Liberality.**—These two virtues, though they are not so important as those that preceded, are still most useful to human life (see **2143**). Affability (friendliness, politeness) is a virtue which inclines a person to show himself in serious matters properly agreeable to others in order thus to fulfill a duty to society.

(a) Affability has for its object to be *agreeable* to others, that is, in looks, manner, words and deeds to treat them with kindness and consideration, and so to give them pleasure. Affability is more than mere civility, which avoids rudeness and observes necessary proprieties, but does not manifest a gracious spirit. The gentleman, according to Cardinal Newman ("Idea of a University," Discourse viii, 10), is one who does not inflict pain and whose great concern is to make others at their ease and at home. The true gentleman is considerate for all his company, guards against unseasonable allusions or topics, is seldom prominent in conversation and never wearisome, makes light of his own favors, never speaks of himself except when compelled, avoids personalities and insinuations of evil, and is indulgent towards opponents.

(b) Affability is as agreeable *as is becoming,* or proper; that is, it observes the golden mean, attending to moderation and circumstances, suiting its deportment to the time, place, occasion, and persons and observing the recognized laws of etiquette for social, official, business, religious, domestic and other relations. Indeed, there are times when affability should not be shown, as when it is necessary to display severity and displeasure, or even to sadden others, for the sake of some higher good (II Cor., vii. 8, 9).

(c) Its purpose is *to fulfill a social duty.* Without affability the ways of life are made rougher and more difficult for all, and therefore, since man is a social being, it becomes obligatory that each one should so conduct himself towards others as to avoid the displeasing and to cultivate the pleasing. Thus, affability is less than friendship (see **1110**), since it does not include special benevolence and is shown to friend and foe alike; but it is more than polish, for it consists not merely in external good manners but chiefly in an internal sense of responsibility to society and of deference to its requirements. Affability is at its best, however, when prompted by friendship and Christian charity. A modicum of courtesy, if accompanied by sincerity and goodness of heart, is more appreciated than profuse compliment and ceremony behind which there is little genuineness or little affection.

(d) Affability regulates conduct *in serious matters*, for the regulation of amusements or recreations pertain chiefly to modesty and falls under temperance rather than justice. Aristotle calls the virtue directive of games *eutrapelia*, which may also be called reasonable relaxation, urbanity, or pleasantness.

**2422. Offices of Affability.**—All, and especially the clergy, should practise courtesy, imitating St. Paul, who became all things to all men, in order to gain all to Christ (I Cor., ix. 22), and following his advice to be without offense to Jew or Gentile or to the Church of God (I Cor., x. 32). The offices of affability can be reduced to the negative and the positive, as follows: (a) the negative offices are the avoidance of excess (adulation) and defect (surliness); (b) the positive offices are the observance on special occasions of the appropriate forms and usages and on all occasions the exercise of a gentle and thoughtful regard for the feelings of others.

**2423. The Sins against Affability.**—(a) *Adulation* is the vice of those who in the effort to please others go beyond what is proper, of the complaisant man who aims to gratify by merely conventional or extravagant compliments, and of the flatterer who seeks to win favors for himself by expressions of fulsome admiration. Adulation is shown by exaggerated debasement of self (servility, obsequiousness), as well as by exaggerated exaltation of others (toadyism). The sin of adulation is not grave from its nature, being only an excessive will to please; but circumstances sometimes make it grave, such as its matter (*e.g.*, when one compliments another's sins, Is., v. 20), its effect (*e.g.*, when the person flattered will be made proud), or its purpose (*e.g.*, when the flatterer means to seduce the other person, Prov., xxvii. 6). Like to adulation in its exaggeration, but unlike it in manner, is the display of friendliness by offensive familiarity or boisterous conduct.

(b) *Surliness* is the sin of those who are ungracious in their manners, not because of hate or anger, but because of a desire to be unpleasant and to make others yield to themselves. The surly man is always ready to contradict or argue, he is hard to please, sensitive, sour in visage, gruff in words, and much given to complaint or sullen silence. Surliness is *per se* worse than adulation but not a mortal sin; for it is farther removed from affability than adulation, but does not necessarily inflict a severe wound on charity. But the smooth palaverer is usually a more dangerous character than the morose man (Ps. cxl. 5). Like to surliness is the boorishness of those who from cynicism or laziness despise refinement, or from greed neglect proper manners at table. But entirely different from surliness is that dignity which can be reserved without being distant or hard of approach, and that seriousness which can be grave or silent without being ungracious.

**2424. Liberality.**—Liberality is a virtue that moderates the love of riches and inclines one in ordinary affairs to bestow one's own goods upon others willingly, when and as right reason may dictate.

(a) It *moderates the love of riches;* that is, it makes one value and esteem money at its true worth. In this respect it pertains at least improperly to temperance inasmuch as the love of money is a passion. Liberality is thus distinguished from mercy and beneficence. These virtues are open-handed from charity, and give because another is in need or is loved; liberality, on the contrary, may be without charity and its bounty may be shown even to those who are not in need or who are not liked, for it is free in using money precisely because it does not prize external things excessively.

(b) It *inclines one to bestow one's own possessions*, or freely to communicate them. In this respect liberality is assigned to justice, since its object is external things as owed by a certain moral debt to others. Since liberality consists primarily in a generous inclination, even the poor may have this virtue; in fact, the poor oftentimes, being less wedded to money, are far more disposed to liberality than the rich.

(c) It functions *in ordinary affairs*, for there is a special virtue of magnificence that makes wealthy men spend money lavishly in enterprise of the greatest moment.

(d) The beneficiary of liberality is *another*, for no special virtue is needed to make one use money freely for one's own needs or comfort.

(e) Liberality bestows *gladly*, but according *to right reason*, for there is no merit in unwilling gifts, and no virtue in gifts bestowed unsuitably as to time, place, purpose, person, quantity, quality, etc. Liberality, then, is not inconsistent with prudence about temporal affairs, that is, with economy which adapts expenditures to income, with thrift which puts something by for the future, and with frugality which spares unnecessary expenses on self, especially in the matter of luxuries (see **1681 sqq.**).

**2425. The Importance of Liberality.**—(a) Liberality is not the greatest virtue. It is less than temperance, for temperance regulates the passions in reference to the body, while liberality regulates them in reference to externals; it is less than fortitude and justice, which serve the common good, whereas liberality regards individuals; it is less than the virtues that are concerned with divine things, for liberality has to do directly with temporals.

(b) Liberality is one of the most useful of virtues since it disposes one to use money well in the service of God and humanity, and gives one an influence that can be employed for good (Ecclus., xxxi. 28). According to Aristotle, the virtues that chiefly attract fame are first bravery, next justice, and then liberality. Moreover, this virtue of generosity is one of the surest indexes of internal religion and charity, as being the natural expression of devotion and benevolence (see **2185, 1211**), while miserliness is a sign of coldness towards God and man.

**2426. Vice of Avarice.**—The vice which is opposed to liberality by defect in giving is avarice, which, properly speaking or as distinguished from theft and robbery, is an immoderate desire, love or delight entertained in respect to external corporal goods, such as lands or money.

(a) *The Absolute Malice of Avarice.*—This sin is *per se* venial, since it is only an excess in the love of a thing that is in itself indifferent and lawful; but it becomes mortal if the affection for money is so great that one is prepared to sacrifice grave obligations for its sake (*e.g.*, to stay away from church rather than contribute to religion or the suffering poor). It is not merely carnal, since not concerned with bodily pleasure; nor merely spiritual, since riches are not a spiritual object; hence, it stands midway between spiritual and carnal vices.

(b) *The Comparative Malice of Avarice.*—In regard to *deformity*, avarice is not worse than other sins, but rather the contrary. The less the good to which a vice is opposed, the less the deprivation caused by the vice; and hence since external goods, to whose proper esteem avarice is opposed, are less important than divine or human goods, it follows that avarice is not so sinful as irreligion, homicide, theft, etc. In regard to *shamefulness*, however, avarice is worse than other sins. The less valuable the created good that a vice pursues, the more disgraceful the vice; and hence since the miser sets his heart on external things, which are the lowest of all goods, preferring them to goods of body and of soul (*e.g.*, to health, education) and even to divine goods, he is rightly regarded as more contemptible than other sinners. Some forms of avarice, too, are more despicable than others. Thus, in some persons avarice shows itself in their fear to consume or expend for their own necessary uses (parsimony, penuriousness); in others it shows itself by an unwillingness to give to others (stinginess, niggardliness), or a willingness to live at the expense of others (sponging); finally, the most disgusting form of avarice is seen in those who cannot bear to part with their possessions either for their own sake or for the sake of others, and find their happiness in mere possession (miserliness). In regard to *influence,* avarice has a preeminence among sins that causes it to be numbered among the seven capital vices. A capital vice is one of the chief sources of evil attraction that produces other sins, and it is clear that immoderate love of riches is one of the most prolific of sins. All are drawn to happiness, and money seems to secure the requisites for happiness (Ecclus., x. 16); hence we see that for the sake of holding to money men become hard of heart (Matt., xxiii. 14; Luke, xvi. 21), for the sake of acquiring it they become carnal and restless in mind (Ecclus., xiv. 9; Matt., xiii. 22) and have recourse to deeds of violence (III Kings, xxi. 2), of deception (Acts, xxiv. 26), of perjury (Matt., xxviii. 12 sqq.), of fraud (Luke, xvi. 4 sqq.), and of treachery (Matt., xxvi. 15). Avarice is at the same time one of the most dangerous of sins, for it will lead a man to sell even his own soul (Ecclus., x. 10) and to commit any enormity (I Tim., vi. 9), and one of the most incurable, for the miser never has enough (Prov., xxx. 15, 16) and is always able to make believe that his avarice is prudence or some other virtue (Wis., xv. 12).

**2427. Vice of Prodigality.**—The vice opposed to liberality by excess in giving is prodigality, which is an insufficient regard for temporal things and an extravagant bestowal of them on others.

(a) It is *an insufficient care for temporal things:* that is, as the miser loves money too much, so the prodigal esteems it too little; as the miser is over-anxious to get and keep money, so the prodigal is careless about earning or saving.

(b) It is *an extravagant bestowal of temporal things;* that is, the prodigal gives more than he should, or else the circumstances do not call for his gift, as when he gives when or where or to whom he should not give.

**2428. The Sinfulness of Prodigality.**—(a) From its nature it is venial. The prodigal is not the absolute owner of his goods, but a steward who is held to administer them according to reason. But his sin is not grave, since it does not injure others and the goods of which he deprives himself are of the lowest kind.

(b) From its circumstances it may be mortal. Thus, it is made mortal on account of the purpose (*e.g.*, *extravagant* presents made with a view to seduction or bribery), or the consequences (*e.g.*, wastefulness which makes one unable to pay debts or assist a relative who is in grave need), or the special obligation of devoting superfluities to charity, as when one squanders the excess revenues of a benefice (see **1252**).

**2429. Comparison of Avarice and Prodigality.**—(a) They are associable, for the same person may be both avaricious and prodigal, though in different respects (*e.g.*, some persons are spendthrifts in giving money away, and are thus forced to be grasping to get money and ready to obtain it by any means, foul or fair). (b) They are unequal in malice. Prodigality is less sinful than avarice, because it is less removed from liberality, less harmful to self and others, and less difficult to cure. It is said that prodigality is the vice of youth, avarice the vice of old age.

**2430. The Virtue of Equity.**—The virtues that have been so far treated in the present Article are forms of particular justice, and they have the status of adjuncts or potential parts. We shall conclude the list of virtues grouped with justice by discussing equity, which belongs to general (legal) justice and has the rank of a subjective part (see above, **1635, 1636, 1745, 1701, 1704**).

**2431. Definition of Equity.**—In law, equity is any court system of extraordinary justice in which the standard is natural honesty as declared by the conscience of the judge or by a body of rules and procedures that supplement or override the usual rules and procedures where these are too narrow or limited.

Thus, in England and in the United States courts of equity are those that take care of defined special cases for which there is no remedy in the usual or common law courts (Robinson, *Elementary Law,* §348). But as here taken equity is a moral virtue, and is of two kinds, particular equity which pertains to particular justice (natural equity) and general equity which belongs to legal justice (legal equity).

(a) Natural equity is a moral virtue that inclines one not to insist unnecessarily on one's strict or legal rights when to do so will be unpleasant or burdensome to others. It is exemplified in the acts of an employer who freely grants a bonus to deserving employees in addition to the wage promised, and of a creditor who grants an extension of time to a hard-pressed debtor. This virtue partakes of both charity and justice; of charity, since it tempers justice with mercy; of justice, since it is really identical with the virtue of affability or friendliness mentioned above (**2421**). Its obligation as an act of justice is not grave, since the debt is not of a rigorous kind.

(b) Legal equity is a moral virtue that inclines one to justice beyond the common laws, or it is a correction of the law in that wherein the law by reason of its universality is manifestly deficient. The law is said to be *deficient* here when its application in a particular case would be prejudicial to the supreme purpose of law (*i.e.*, to the common good or to equal justice). Some precepts of the natural law (*e.g.*, the prohibitions against lying and adultery) cannot be deficient in this way and need no supervising equity. But other precepts of natural law, according to some (*e.g.*, the command that a deposit be returned to the depositor), and also precepts of positive law are found to be unsuitable in exceptional cases. The reason for this defect in a good law lies in the nature of the case; for these laws must be made in view of what happens in the majority of cases, and accordingly they are couched in general terms and permit of exceptions which the lawgiver himself would allow (see on Epieikeia, **411** sqq).

**2432. The Greatness of Legal Equity.**—(a) It is a distinct virtue, since it inclines the will to do good and avoid iniquity in a matter of special difficulty. It is not a transgression of law, since it upholds the spirit when the letter departs from the spirit, and prizes the lawgiver's intention to do what is just and right above the lawgiver's words.

(b) It is a subjective part of abstract or common justice, since all that is contained in the concept of justice belongs to equity. Thus, it differs from the potential and integral parts of justice so far treated in Articles 5 and 6.

(c) It pertains to the species, not of particular, but of general or legal justice; for equity extends to all the virtues and is concerned with the debt owed to the common good. Thus, *per se* its obligation is grave (see **1721**).

(d) It is the higher part of legal justice. Just as prudence has two parts—good judgment (*synesis*), which settles ordinary cases of morals according to the usual rules of conduct, and acute judgment (*gnome*), which passes on moral problems that are out of the ordinary run—so legal justice has two acts, a lower which applies the law to usual cases, and a higher (equity) which applies more remote principles (*viz.*, that the common good be not injured, nor injustice done) where the immediate principles of the law are clearly inadequate. Thus, if a madman demands from a depositary the return of his revolver in order to commit murder, the letter of the law would uphold the madman, but equity would decide against him; if the enemy are attacking a city and one cannot repel them except by disregarding an ordinance of the city, the law would forbid one to transgress the ordinance, while equity would command one to transgress it.

(e) Equity is, therefore, the noblest act of strict justice. For legal justice is preferred to particular justice (**1703, 1715**), and equity is the superior act of legal justice. In will and intention the common good and justice must take precedence over laws and statutes at all times; but in act the supreme ends of law are served, except in extraordinary cases, by obedience to law.

**2433. The Complements of Justice.**—To each of the various virtues correspond certain complements, namely, Gifts of the Holy Ghost, Fruits of the Holy Ghost, and Beatitudes (see **159**).

(a) The Gift that corresponds to justice is piety, for, like justice, piety is exercised towards another, and moreover piety is the completion of the virtue of religion, the highest development of justice. This Gift is defined as "an infused habit that renders the soul well disposed towards God as its kind Father, and makes it quickly responsive to the Holy Spirit when He moves it to acts of filial affection towards God." As the virtue of piety is shown to earthly fathers, so the Gift of Piety is shown to the Father in heaven: "You have received the spirit of adoption of sons, in which we cry: Abba, Father" (Rom., viii. 15). Religion honors God as Lord, piety as Father; filial fear reveres His majesty, piety His lovingkindness. And as a child tenderly loves all that belongs to a good father, so piety makes the soul rejoice and be glad in the things of God, in the Saints, the Scriptures, the practices of religion, and the like.

(b) The Beatitudes assigned here are the fourth (Blessed are they that hunger and thirst after justice, for they shall have their fill), which agrees with justice, and the fifth (Blessed are the merciful, for they shall obtain mercy), which is suitable for piety inasmuch as one who finds his love and joy in God as Father will be compassionate to the suffering creatures of God. Like justice, both of these Beatitudes are exercised in reference to the neighbor (see **164**).

(c) The Fruits that seem most appropriate here are good will and kindness, which find a sweet joy in purposing and performing services for others. Like justice, these acts have reference to others (**163**); like piety, they see in their neighbors the children of the same heavenly Father. Thus, justice when alone is guided by prudence; it pays what is due to God as Lord, to man as neighbor; it acts perhaps with pain, but from a sense of duty. But when justice is supernaturally perfected, it is the Spirit of Piety which guides, and which makes one to see in God one's Father and in man the child of God; even that which is not owed is given from mercy, and there is a hunger and thirst for justice; and in the payment of duty to others there is at last a joy found in the very difficulty itself.

**2434. The Commandments of Justice.**—The various precepts regarding justice are contained in the Decalogue. For justice consists in the fulfillment of duties towards others, whether they be superiors, equals or inferiors. The Ten Commandments sum up these duties of justice; the first three prescribe the duties owed to God, the fourth the duties owed to human superiors, and the other six the obligations which man has to his equals or to all fellowmen.

**2435.** The order of the Commandments is most appropriate, for their purpose is to form man to virtue and to lead him to perfection, which consists in the love of God and neighbor (see **1118, 1553 sqq.**), and they therefore outline first the service that is owed to God (Commandments of the First Table) and next the service that is owed to man (Commandments of the Second Table).

(a) The Commandments of the First Table lay the foundation of the edifice of justice, for they teach us that our first duty is to render to God the things that are God's. We must avoid, therefore, the excess of superstition (Thou shalt not have strange gods before Me) and the defect of irreligiousness (Thou shalt not take the name of the Lord Thy God in vain); we must practise the virtue of religion (Remember thou keep holy the Sabbath Day).

(b) The Commandments of the Second Table begin with the duties owed to those to whom we are most bounden after God, namely, parents, country, superiors (Honor thy father and thy mother). Next follow prohibitions against injuries done to any neighbor by deeds or words, whether the harm be to his person (Thou shalt not kill), or to those who are as one person with him (Thou shalt not commit adultery), or to a neighbor's external corporal goods (Thou shalt not steal), or to his external incorporeal goods of fame and honor (Thou shalt not bear false witness against thy neighbor). Finally, there are prohibitions against thoughts or desires injurious to the neighbor, mention being made specially of those internal sins that are most common on account of the utility (Thou shalt not covet thy neighbor's goods) or the pleasure (Thou shalt not covet thy neighbor's wife) they afford.

**2436.** We shall not give here any special treatment of the Decalogue. Rather we refer the reader to the excellent explanations that are contained in Part III of *The Catechism of the Council of Trent.* Moreover, each of the Commandments has been treated in the present work, chiefly in the Articles on justice, and supplementary matter can be drawn from some others of its articles. For the sake of convenience, however, we give here a list of references, showing the passages of this Moral Theology in which the Commandments of the Decalogue are explained.

(a) Thus, for the First Commandment read on superstition (**2274 sqq.**) for the prohibitory part, on faith, hope and charity (**746 sqq.**) for the perceptive part.

(b) For the Second Commandment read on irreligiousness (**2299**) for the prohibitory part; on oaths, adjuration and praise (**2245 sqq.**) for the preceptive part.

(c) For the Third Commandment in its natural precept read on the virtue of religion (**2145 sqq.**); in its positive precept read on positive laws (**340 sqq., 352, 425**) and on the Commandments of the Church under the duties of particular states.

(d) For the Fourth Commandment read on the virtues of piety, reverence, obedience and gratitude (**2344 sqq.**). Other matter will be found under charity (**1158 sqq., 1211 sqq.**) and under the duties of particular states.

(e) For the Fifth Commandment read on homicide, suicide, and bodily injury (**1816–1871**). Other matter will be found in the Articles on charity (**1579 sqq., 1193 sqq.**) and on affability (**2421 sqq.**).

(f) For the Sixth Commandment read on injustice (**1719 sqq.**), on restitution (**1803**), and on the virtue of temperance (**2461 sqq.**).

(g) For the Seventh Commandment read on commutative and distributive justice (**1745 sqq.**), on restitution (**1751 sqq.**), on injuries to property (**1872–1938**), on fraud (**2121 sqq.**), on liberality (**2424 sqq.**).

(h) For the Eighth Commandment read on judicial injustice (**1939 sqq.**), on unjust words (**2009 sqq.**), and on truthfulness (**2385 sqq.**).

(i) For the Ninth and Tenth Commandments read on internal sins (**230 sqq.**), and on the malice of the internal act of sin (**89–93**).

## Art. 7: THE VIRTUE OF FORTITUDE

(*Summa Theologica*, II-II, qq. 123-140.)

**2437. The Virtue of Fortitude.**—This virtue ranks next after justice and before temperance. Prudence has the greatest amount of goodness since it deals directly with reason, the essential good of man; justice is next because it realizes the dictates of reason in human affairs; the other virtues uphold the reign of reason against the rebellion of passion, fortitude repressing fear, the most powerful foe of reason, and temperance subduing pleasure, which is after fear the strongest of reason's enemies (cfr. **157, 1627, 1688**). Fortitude is nobler than temperance because more closely related to reason; it is the more difficult virtue, because it is harder to bear pain than to abstain from pleasure.

**2438. Fortitude in General.** — Fortitude (etymologically, *strength*, *vigor*, *firmness*) in general is a moral quality which makes a person unshaken from the right by danger or difficulty. It has various senses.

(a) It is used for a seeming virtue, which has the act but not the requisites (*i.e.*, the knowledge and the free choice) of a moral virtue. Thus, some are brave from ignorance or want of reflection, because they do not realize the danger (*e.g.*, intoxicated persons) or because habit makes them act without thought, or because many successes have rendered them over-sanguine; others are brave from compulsion, because cowardice is severely punished, or from passion, because they are beside themselves with pain, anger, desire, etc.

(b) It is used for an inchoate virtue or a natural fitness to withstand attack or encounter danger. Thus, some persons are so constituted physically that the thought of risk, pain, or death does not affect them strongly (fearlessness, intrepidity), or even attracts them (adventurousness). This kind of bodily bravery is a preparation or predisposition for moral courage.

(c) Fortitude is also the name of a general virtue or rather of a general condition which must be found in every virtue. For there is no virtue without firmness and persistence in good, as the name virtue (*i.e.*, strength) indicates. Thus, a person who is weakly inclined to temperance and opposes no strong resistance to temptation cannot be said to possess the virtue of temperance.

(d) Finally, fortitude is the name of a special virtue which confers vigor and steadfastness in a special kind of trial, such as perils and pains which threaten or inflict severe evils. It is of this fortitude that we now speak.

**2439. Definition of Fortitude.**—Fortitude is defined as "a virtue which in the face of the greatest evils moderates the passions of fear and confidence within the bounds dictated by right reason."

(a) The primary object of fortitude is the *passions*, or motions of the sensuous appetite through which the appetite is attracted or repelled by an object brought before it as good or evil, agreeable or disagreeable. Justice is concerned with operations, fortitude and temperance with passions (see **1709**).

(b) The passions that chiefly fall within the scope of fortitude are *fear* and *confidence;* and thus it is set apart from temperance, which deals with the passions of pleasure. Fortitude has to do with that which is disagreeable to sense, temperance with that which is agreeable. Fear is a disturbance of soul produced by the imminence of an external evil that cannot be easily escaped; confidence is a feeling of self-reliance impelling one to face or attack a threatening evil.

(c) The function of fortitude is to *moderate* fear and confidence, or to keep them to the happy mean between excess and defect. The passions in themselves are not evil, but they need regulation (see **121, 122**); and hence without fortitude one falls either into cowardice or rashness.

(d) Fortitude acts *in the face of the greatest evils,* that is, even when death itself, the greatest of corporal evils and the king of terrors, is at hand. Virtue is the act of a perfect man, and hence we do not ascribe fortitude to a man who is not brave except in reference to things that are fearful only slightly or not at all (such as having a tooth pulled or a finger lanced). The right regulation of fear springs, therefore, from different good qualities, according to the kinds of objects that inspire alarm: to fortitude in the strictest sense, if there is question of supreme natural evil (that is, death or its equivalent in deadly disease, mortal wound or torture); to fortitude in a wider sense, if there is question of lesser corporal evils (*e.g.,* blows, wounds or mutilation that do not cause death); to some other virtue, if there is question of other kinds of evils (*e.g.,* liberality regulates the fear of losing money).

(e) The motive of fortitude is conformity with *right reason.* The courageous person despises dangers because he wishes to hold fast to virtue and has for his last aim God and true beatitude. Fortitude is exercised, then, only when one is courageous in a good cause; the end of the work (*finis operis*), or at least the end of the agent (*finis operantis*), must be virtuous. The aim of bravery itself is virtuous when it is the common good (*e.g.,* soldiers fighting in defense of country) or the good of a particular virtue (*e.g.,* a judge contending for justice, a virgin for purity, a martyr for religion); the aim of the brave man is good when he performs an indifferent act for virtue's sake (*e.g.,* waits on another during pestilence because of friendship, goes on a perilous journey because of a pilgrimage). On the contrary, fortitude is not exercised if bravery has nothing to do with virtue (*e.g.,* the imperturbability during sickness or shipwreck of a person who had resolved on suicide), or if it is opposed to virtue (*e.g.,* the daring and coolness of a pirate, bandit, gunman or dueller); to risk ignoble death with bravado is not a virtue.

**2440. The Two Acts of Fortitude.**—(a) The moderation of fear is followed by endurance or firmness in the midst of danger, as in the case of the martyrs. This act in common speech is more especially designated "fortitude." It is not accurate to speak of it as passive resistance or passive courage. By it, indeed, no external act is performed, but this is due to a most firm internal resolution and self-control, such as a refusal to accept defeat, surrender principles or make peace with wrong. Endurance to undergo is not the same thing, then, as stoical isdifference or apathy.

(b) The moderation of confidence is followed, where circumstances call for it, by prudent attack or even, when discretion is the better part of valor, by retreat as in warriors. A truly brave man does not fear to be called a coward, and hence he will not advance when reason forbids nor hesitate to retire when reason commands. Brave endurance is a nobler act of fortitude than brave attack; for endurance struggles against superior strength, it feels the evil already present, and its fight is long and continuous, whereas attack is borne on by a sense of power, the object of dread is still in the distance, and its rush is quick and passing (Prov., xvi. 32). Hence, not all who are courageous in attack are courageous under attack. But both acts are noble, and each is necessary at its proper time.

**2441. The Excellence of Fortitude.**—(a) *Its Rank.*—Fortitude is one of the four principal or cardinal virtues. A principal virtue is one that exercises in the most difficult circumstances one of the four qualities that every moral virtue must have. These qualities are firmness (for every virtue is a habit or strongly rooted quality), rectitude (since a virtue inclines to the good as the right or obligatory), moderation (since a virtue is moral, or measured according to reason), and discretion (since good inclinations must be guided by true direction). Now, just as rectitude is most difficult, on account of self-love, in dealing with others, and moderation in governing the appetites, and discretion in ruling one's own actions, so firmness is most difficult in the presence of the greatest dangers; and therefore with justice, temperance, and prudence must also be associated fortitude as one of the chief of all virtues. These four principal virtues are also called cardinal virtues (from *cardo*, a hinge), because the whole moral life of man hinges on them. Thus, though perils of death are comparatively rare, the occasions of such perils are common and one is constantly called on to exercise fortitude (*e.g.*, to be prepared to incur mortal enmities rather than forsake justice, or purity, or religion).

(b) *Its Utility.*—Fortitude has a certain general utility, for it is found to be of advantage everywhere. Thus, brave men and just men are admired in peace as well as in war, whereas liberal men are serviceable only in certain matters (Aristotle). Fortitude is like a strong tower, or like an army that protects the other virtues, and there are continual demands for its exercise. The life of man is a warfare (Job, vii. 1), and a manly spirit is needed to struggle against the temptations, injuries, infirmities, and trials that threaten virtue. Without fortitude, then, no one can be saved, for the kingdom of heaven is captured only by the aggressive (Matt., xi. 12), and only those who fight shall receive the crown (II Tim., ii. 5).

**2442. Martyrdom.**—As judgment is the chief act of justice (see **1727**), so martyrdom is the chief act of fortitude, and in a sense the most perfect of all acts. For martyrdom is defined as "the voluntary acceptance for the sake of God of a violent death inflicted out of hatred of virtue." Martyrdom belongs to fortitude which produces it, to love of God which commands it (I Cor., xiii. 13), and to faith which attracts it. Merely as an act of courage, it is inferior to some other acts, since fortitude is not the highest virtue, and the goods for which martyrdom is undergone must be preferable to martyrdom itself. But in two ways martyrdom is the greatest act of virtue.

(a) Thus, internally it has charity for its end, and "greater love than this no man hath, that a man lay down his life for his friends" (John, xv. 13); it is the greatest sign of love of God.

(b) Externally it is a profession of faith in the superiority of the invisible and future to the visible and present goods, and no more efficacious proof of this faith can be given than martyrdom (Job, ii. 4; II Cor., iv. 11).

**2443. Kinds of Martyrdom.**—The word martyrdom is sometimes used loosely or less accurately, and hence we distinguish the following kinds of martyrdom:

(a) false martyrdom is death suffered in an evil cause, as when one dies for erroneous principles or doctrines (*e.g.*, for anarchy). Martyrdom is testimony of blood given to the truth, not to error, and hence it is not the suffering but the cause that makes the martyr. Improper martyrdom is death suffered for some purely natural good, as when a person dies for the cause of science or of a political party, or in defense of natural truths about God but without a religious motive;

(b) true and proper martyrdom, which is not the virtue but the crown of martyrdom, is death inflicted on an infant out of hatred for Christ, as in the case of the Holy Innocents. This is baptism of blood for infants, as the virtue is for adults, supplying the place of baptism of water (Matt., x. 39);

(c) the virtue of martyrdom in the sight of God (theological martyrdom) is either in desire or in act. Martyrdom of desire, which is the wish to die for God, may have the same essential glory as martyrdom in act, but it lacks the accidental glory, since it does not really suffer the trial (see **89–93**). Martyrdom in act, which is external suffering for justice's sake, has three degrees: the lowest degree is suffering that lacks one or other of the essential conditions (see **2444**) for supreme self-sacrifice (imperfect martyrdom), the higher degree has all the essential conditions (perfect martyrdom), while the highest degree has also the accidentals that are most suitable for martyrdom (complete martyrdom);

(d) the virtue of martyrdom in the sight of the Church (canonical martyrdom) is that which, in addition to the conditions for perfect martyrdom, possesses also external indications sufficient to prove their existence and character.

**2444. Conditions for Martyrdom.**—Since martyrdom is a virtue and the supreme testimony, it must have the following conditions:

(a) the cause of the martyrdom must be faith (*e.g.*, persecution because the martyr is a Catholic), or some virtue containing a profession of faith, inasmuch as a divine good (*e.g.*, chastity) or a human good (*e.g.*, the truth of a science, the safety of one's country) is defended for the sake of God;

(b) the persecutor must act from hatred of virtue, but it is not necessary that he be an unbeliever, or that he avow his hatred of virtue as the motive of persecution, or that he pronounce or execute the sentence of death himself;

(c) the martyr must accept martyrdom willingly (actual or virtual intention suffices, and perhaps also habitual); he must be free from guilt that provoked the sentence, and must be in the state of grace or at least repentant; he must die from a virtuous motive, not from vainglory, despair, or other sinful reason. Some make non-resistance a condition for what we called perfect martyrdom, while others make it a condition for what we called complete martyrdom; according to the former opinion the crusaders or other soldiers dying in a just war cannot be called martyrs of religion, but according to the second opinion they may be ranked with the martyrs;

(d) the punishment inflicted on the martyr must be death, either instant (as in decapitation) or delayed (as in gradual starvation, death by slow poisoning, mortal wounds, imprisonment or other hardship). Hence, those who are not put to death, but who are tortured, mutilated or imprisoned (*e.g.*, St. John the Evangelist), are confessors of the faith, but only in an imperfect sense are they martyrs. Some believe that suffering is necessary for perfect martyrdom, and hence that those who are put to death painlessly are not, strictly speaking, martyrs; but others—and with better reason, it seems—deny this. Those who are not killed (*e.g.*, persons who die from disease contracted while attending the sick or from austerities), or who are killed by themselves (*e.g.*, the Circumcellions who thought to win martyrdom by suicide), are not martyrs (on the cases of Sts. Apollonia and Pelagia, see **1856**).

**2445. Practical Questions about Martyrdom.**—(a) *The Desire of Martyrdom.*—A general desire for or the willingness to suffer martyrdom if the necessity should arise is required for salvation (I John, iii. 16; Rom., x. 10). Apart from necessity, a special desire of martyrdom is not of precept, since martyrdom is an act of perfection; but such a desire is of counsel, since it is encouraged by Christ (I Peter, ii. 21), and many Saints have prayed for martyrdom.

(b) *The Choice of Martyrdom.*—Regularly it is not lawful to offer oneself freely for martyrdom, for to do so gives the tyrant an occasion of committing injustice, and as a rule there are not sufficient reasons of public or private good for permitting his sin (see **103 sqq.**). Exceptionally it is lawful, when there is no danger that one will be overcome and there are urgent reasons for the act, such as the glory of God or the peace of the faithful.

(c) *Provocation of Martyrdom.*—Regularly it is not lawful to bring on a persecution by aggression (*e.g.,* by destroying idols), since generally this will make one guilty of complicity and presumption. But there are exceptional cases, when the good of souls demands attack on evils (Dan., xiv. 26; Matt., xiv. 3, 4). It is not provocation of persecution, however, to live virtuously (Tob., ii. 8, 9), or to reprove a persecutor after one has been apprehended (II Mach., viii. 15-17; Acts, vii. 51-54).

(d) *Flight from Martyrdom.*—Flight is sometimes sinful, sometimes obligatory, sometimes optional, according to circumstances, as was explained in **1005, 1006.**

**2446. Sins Opposed to Fortitude.**—(a) *Number.*—The vices opposed to fortitude are four, two of excess and two of defect, according as fear and confidence are not regulated as to time, place, manner and other circumstances in the way of moderation. He who fears when or as he should not, is *timorous* (*e.g.*, one who kills himself because he fears the hardships of life, one who neglects religion out of human respect); he who does not fear when or as he should, is *insensible* (*e.g.*, one who exposes himself to peril of death for the sake of excitement). He who does not dare when or as he should, is *cowardly* (*e.g.*, a superior who does not correct as he should); he who dares when or as he should not, is *foolhardy* (*e.g.*, a superior who corrects when there is no chance of a good result).

(b) *Malice.*—These sins *per se* are venial, since excess or defect in emotions, which in themselves are indifferent, is not a serious disorder. But they become mortal if they lead to grave evil (*e.g.*, if from fear of persecution one becomes a pagan), or to grave danger (*e.g.*, if from foolhardiness one exposes oneself to death or mutilation). Insensibility and foolhardiness are caused by pride or vainglory, by contempt for life or for the strength of others. Timidity and cowardice diminish culpability, though they do not remove it.

**2447. The Parts of Fortitude.**—As has been said above, the parts of a virtue are subjective, integral and potential (see **1635, 1636**).

(a) Fortitude has no subjective parts, for it is concerned with a very specialized matter, namely, the danger of death; and hence there is no room for differences of kind, although there are differences of degree (*e.g.*, greater courage is needed to face an ignominious or cruel death than to face death amid applause or with little suffering).

(b) The integral parts of fortitude are those that are necessary for the perfect functioning of its offices in reference to major dangers (*i.e.*, of death). Now, the first act of fortitude, namely, attack, requires *greatness of soul* (which makes one love the best things and despise all that is opposed to them) and *greatness of deed* (which makes one perform generously what was nobly willed). The second act of fortitude, namely, endurance, requires *patience* (that the soul be not thrown into dejection by difficulties) and *steadfastness* (that the soul be not turned aside from its purpose or wearied by long-continued opposition).

(c) The potential parts of fortitude are the four just named, but as exercised in reference to minor dangers.

**2448. Greatness of Soul.**—Greatness of soul or nobility (Latin, *magnanimitas*) is a virtue that inclines one to aspire after excellence in things most honorable, but to esteem and use honors themselves with moderation.

(a) The first act of this virtue is *aspiration.* It desires the higher manifestations of every virtue—the things that are more difficult and that befit a generous and elevated spirit, such as great austerity, great labor, great sacrifice, etc. Thus, it resembles fortitude, for both virtues are exercised in difficult circumstances.

(b) The second act of this virtue is *moderation.* It esteems honors at their true worth, for it is greatly concerned to possess the higher honors (*i.e.*, good repute before God and godly men), knowing that these are solid and lasting, but it is less concerned about lower honors (*i.e.*, the esteem and applause of the world), knowing that these are frail, fleeting, and common to good and bad alike. Hence, the great of soul are not elated in prosperity or dejected in adversity. This virtue here differs from fortitude, since fortitude is concerned with dangers, which are unpleasant, while greatness of soul is occupied with honors which are pleasant.

**2449. Comparison between Greatness of Soul and Humility.**—Greatness of soul and humility are different, but not contrary.

(a) Thus, greatness of soul makes one regard oneself as worthy of great things, when one is indeed worthy of them on account of gifts bestowed by God (Luke, i. 46). Hence, the great of soul put the good above the profitable, they do not busy themselves unduly about lesser things, they are slow to ask and quick to grant favors, they are not outdone in generosity, they are not subservient before the mighty, and they are familiar only with friends. But if they are truly great of soul, they are also humble, knowing that the good is from God, and that of themselves they are weak and sinful.

(b) Greatness of soul makes one regard oneself as superior to lower things, for it makes one loathe anything that would be unbecoming the gifts one has received from God. Hence, as Aristotle says, the noble character does not flaunt his ideals, nor obtrude himself into places or offices of honor; he does not complain or remember injuries; he is not haughty with inferiors but gentle and considerate with all; in manner he is quiet and unhurried, speaks sincerely, and is not much given either to praise or to blame others. But though the noble person despises all that is petty, he is not proud; and hence he can see the good that is in others, and he reveres those who are superior to himself.

**2450. Vices Opposed to Greatness of Soul by Excess.**—The vices opposed to greatness of soul by excess are such as desire great deeds, or honors, or fame, when or where or how they should not be desired.

(a) Excessive desire of great deeds is *presumption*, which attempts to do greater things than one is able to perform (cfr. **1075** sqq.). This happens in conceited persons who overestimate their own abilities, taking on themselves offices for which they are incompetent or exercising powers for which they have no authority; also in vulgar persons who mistake their fortuitous advantages, such as wealth or influence or birth, for character and ability. Presumption is a mortal sin when its cause is a grave sin (*e.g.*, lack of faith) or when its effects are very harmful (*e.g.*, when one who is ignorant presumes to teach or practise medicine, when one who is morally frail presumes to enter occasions of sin). There is no sin if one attempts too much in good faith and from inculpable ignorance.

(b) Excessive desire of honors (see **2010, 2011, 2351**) is *ambition*, or an inordinate hankering after distinctions and deference. The great of soul desire honors when these are due to their station or when there is a just reason, such as the glory of God or the advantage of the neighbor (Matt., v. 15, 16; Heb., v. 4). The ambitious, on the contrary, seek to be honored beyond their deserts (*e.g.*, when an ignorant man longs for academic degrees, a tyrant wishes to be respected on account of his tyranny, an inferior man seeks to perpetuate himself in temporary elective offices, a rich man or athletic hero expects that he will be revered above those who are eminent for virtue or learning), or they seek honor for its own or their own sake, like the Pharisees who loved the first places at feasts and the first chairs in the synagogues, and salutations in the market place, and to be called by men Rabbi (Matt., xxiii. 7; cfr. I Tim., iii. 1 sqq.; Matt., xx. 25). This sin, being excessive desire of something indifferent, is not *per se* mortal; but it is made mortal either by a cause that is seriously sinful (*e.g.*, if one's whole life is but a mad chase for preferments) or by a result that is seriously harmful (*e.g.*, if one commits or is ready to commit serious injustice or uncharitableness to win a coveted dignity). Ambition is cured chiefly by charity, for charity is not ambitious (I Cor., xiii. 5; cfr. Gal., v. 13).

(c) Excessive desire of praise or celebrity is *vanity* (see **2028, 2269**). The great of soul desire the good opinion of their fellowmen (see **1575 sqq.**), but they also desire that their good reputation be well founded, and their motive is the glory of God or the spiritual profit of man. The vain, on the contrary, are eager for admiration and praise for which there is no justification (*e.g.*, those who wish to be praised for virtues they do not possess) or which are valueless (*e.g.*, those who fish for compliments over things of no great importance, such as good looks or dress, or who wish to appear learned among the uneducated, or who crave notoriety), or seek admiration without a proper motive (*e.g.*, those who advertise themselves for self-glorification alone). Vanity, like ambition, is *per se* only a venial sin, but it becomes mortal on account of its cause (*e.g.*, when the motive is to conceal crimes that are planned), or its results (*e.g.*, when the desire to be famous makes one boast of one's crimes, or refuse to repair injuries done to others, or neglect the honor of God), or its matter (*e.g.*, when one is vain about a reputation for skillful injustice). Vanity is one of the capital sins (see **268 sqq.**), since it is one of the motives that chiefly lead men into sin; for all desire excellence, and in consequence the love of renown is one of the chief incentives to action. Even the ambitious crave honors because of the glory honors bring. The offspring of vanity includes the sins by which a man seeks unlawfully to show off his good points, or to prove that he is not inferior and thus capture popularity or glory. In the first class are the publication by word or deed of one's own true or pretended exploits (boasting hypocrisy), the cultivation of novelties and eccentricities designed to attract attention (such as singularity in opinion, in pronunciation, in dress, etc.). In the latter class are sins of intellect which make one hold obstinately to one's views (stubbornness), sins of will which make one resist desires of others (discord), sins of word which make one loudly dispute (contention), sins of deed which make one refuse to yield to authority (disobedience).

**2451. Vice Opposed to Greatness of Soul by Defect.**—The sin opposed to greatness of soul by defect is *pusillanimity* (littleness of soul), which does not desire great things when one should desire them.

(a) Pusillanimity is sinful, because it excludes nobility of soul, springs from a lazy ignorance of one's own ability and worth and from a false fear of failure, and leads to the loss of great things that could be done for God and humanity. The Scriptures reprove Jonas, who fled from the great task set for him by God (Jonas, i. 1 sqq.), and the fearful servant who hid his talent in a napkin (Matt., xxv. 24 sqq.). Pusillanimity is not to be confused, therefore, with humility; for humility excludes the unreasonable or immoderate desire of excellence, whereas pusillanimity represses even that desire of greatness which is reasonable and moderate. Indeed, meanness of spirit may be associated with pride on account of obstinate refusal to take upon oneself what is commanded (Prov., xxvi. 16). Thus, Moses and Jeremias showed humility by their fears of unworthiness (Exod., iii. 11; Jerem., i. 6), but they would have sinned by pusillanimity, and also by pride, had they held out against God's charge to them.

(b) Pusillanimity is *per se* a venial sin (see **2450**), but it may become mortal on account of its matter or consequences, as when one is so self-depreciative as to neglect grave obligations of correcting abuses. It is essentially more evil than presumption, for it turns one away from things and pursuits that are noble, and is thus more opposed to greatness of soul; but radically presumption is more evil, as it springs from pride (Ecclus., xxxvii. 3). The dread of attempting great deeds or pursuits is sometimes no sin at all, as when it is due to inculpable ignorance of what one can do or what one deserves, or from a fear that overpowers judgment, or from bodily disease, or from a sense of inferiority caused by education, excessive repression and habit (Col., iii. 21).

**2452. Greatness of Deed.**—Greatness of deed is the execution of the great things to which one is inclined by greatness of soul.

(a) The virtue is a general one, if it includes every kind of noble performance; it is a special one, if restricted to princely generosity in the expenditure of large sums for great works (virtue of magnificence or munificence). The munificent person spends large sums from his purse in behalf of the worship of God (*e.g.*, in building churches, monasteries, etc.), and for the common good (*e.g.*, in founding schools, in endowing educational institutions, hospitals, etc.). This virtue resembles fortitude by the grandeur of its accomplishment; it falls short of fortitude, since it deals not with sacrifice of self but with sacrifice of goods. The Mæcenases and the generous patrons of religion are among the greatest benefactors of humanity, for without them the best things would often languish for want of support.

(b) The vices opposed to this virtue are *meanness* by deficiency and *vulgarity* by excess. The mean man is unable to do things on a great scale, and prefers to ruin a noble work rather than make the proper outlay (*e.g.*, after planning a beautiful church, he will spoil it by using cheap materials). The vulgar man, on the contrary, is avid for ostentation, or heavy expenditure when there is no call for it. He is liberal to works of less importance (*e.g.*, his own usual personal needs or comforts), but penurious with works of great importance (*e.g.*, charitable causes); or he lavishes money needlessly on great works, as when his residence is over-ornamented and offensive to good taste, or when his wedding breakfast is served with profuse extravagance and waste in order to make a display of wealth. *Per se*, these sins are venial, but they may be mortal on account of circumstances. Munificence is the virtue of the rich, but even the poor may have the merit of this virtue, by a good intention, especially when they show liberality to great enterprises according to their means.

**2453. Patience.**—Patience is a virtue which from the love of moderation so controls the sadness caused by present afflictions that this passion neither excessively disturbs the internal powers of the soul nor produces anything inordinate in the external conduct. Hence it differs from the following:

(a) from temperance, for, although temperance also regulates sadness, the sadness with which it deals is caused by lack of pleasures, while that with which patience deals is caused by the presence of evils, especially of those brought on by annoyances from others;

(b) from the endurance of fortitude, for fortitude regulates fear of death, while patience regulates sadness caused by evils of whatever nature, such as sickness, bereavements, loss of money, persecution;

(c) from longsuffering and constancy, for the matter of these virtues is a good which cannot be obtained except by long waiting or a good which must be continually exercised, whereas the matter of patience is an evil that has to be endured in the present. But since the delay of a desired good causes sadness (Prov., xiii. 12), and since continuance in good is irksome to the flesh, both longsuffering and constancy are included under patience.

**2454. The Greatness of Patience.**—(a) *Its Rank.*—Patience is less than the theological virtues, and also is inferior to prudence and justice, which perfect one in goodness; it is also less than fortitude and temperance, which preserve from the greatest impediments to goodness; for the office of patience is only to preserve one from lesser impediments, namely, the common adversities of life. But, on the other hand, patience is a part of fortitude—a potential part, because it does not connote the supreme heroism of fortitude, and an integral part, because courage in the face of death is bettered by the serenity which patience imparts.

(b) *Its Necessity.*—Patience is a most useful virtue. Without it one cannot long continue in the way of virtue on account of the many trials man encounters (Heb., x. 36), whereas with it the enemies of other virtues are destroyed; and hence it is called the root and guardian of virtue (cfr. Rom., v. 3, 4; James, i. 2-4; Luke, xxi. 19). But there are degrees of patience: the lowest is equanimity, which offends God neither in thought, word nor deed even though sorely tried (Job, ii. 7-10); a higher degree is submission, which prefers adversity to prosperity (Ps. cxviii. 71); the highest degree is joyful resignation, which smiles at grief and rejoices in tribulation (II Cor., xii. 10, vii. 4).

**2455. The Vices Opposed to Patience.**—(a) The sin of deficiency in sorrow is *stolidity*, which is a brutal insensibility that is moved neither by one's own nor by others' misfortunes. This is not a virtue, but an inhuman and unnatural way of life, which takes no account of man as a feeling as well as a reasoning being.

(b) The sin of excess in sorrow is *impatience*, which mourns excessively under afflictions, or in looks, words or deeds expresses a complaining and rebellious spirit (Prov., xiv. 17; Judith, viii. 24, 25). Stolidity and impatience are *per se* venial sins, but they become mortal *per accidens* on account of some circumstance, as when the unfeeling man gives great scandal by his hardhearted acts, or the impatient man blasphemes (see **2450, 2451**).

**2456. Steadfastness.**—Steadfastness is a virtue which is so devoted to the goodness of continuing in the right that it is not fatigued by the length of time or the repeated effort required for a good work (virtue of persistence or perseverance), nor disheartened by the opposition which a good work encounters (virtue of manliness or constancy), but goes on unmoved until the conclusion which right reason calls for has been arrived at.

(a) *The Virtue.*—Steadfastness belongs to fortitude, since the essence of both is a struggle against difficulty; but steadfastness is the inferior, since it is nobler and more heroic to be undismayed by the peril of death than to be unconquered by strain of monotony or opposition. Steadfastness is a most important virtue, for it avails one little to begin a work well if it is not carried to a successful conclusion. Without it one puts hand to the plow but looks back (Luke, ix. 62), or begins to build but does not finish (Like, xiv. 30); with it the work begun is crowned, the harvest will be reaped (Gal., vi. 9, 10), and salvation secured (Matt., x. 22). Scripture abounds with exhortations to steadfastness (I Cor., xv. 58; Phil., iv. i; II Tim., iii. 13; Ecclus., xi. 21, 22, v. 12; John, viii. 31; Heb., xii. 7); but final perseverance is a special gift of God (I Peter, v. 10).

(b) *The Opposite Vices.*—Opposed to steadfastness by deficiency is the vice of *effeminacy* or weakness, by excess the vice of *pertinacity.* The effeminate person, lacking stamina to go on in a necessary good, surrenders to weariness or opposition by abandoning the undertaking or by taking up with evil (Matt., xi. 7, 8). The pertinacious person continues in the course he has begun when right reason bids him to discontinue, as when one has taken a vow and does not wish to accept the dispensation which a change of circumstances necessitates. These sins are venial unless they go counter to a grave duty, as when an effeminate person gives up the resolution to avoid a very dangerous occasion of sin, or the headstrong person determines to fast during the remainder of Lent when this will seriously injure his health.

**2457. The Complements of Fortitude.**—We shall now speak of the Gift, the Beatitude, and the Fruits that correspond to fortitude (see **159** and **2433**).

(a) The Gift of Fortitude is an infused habit which makes the appetitive powers readily responsive to the encouragement of the Holy Spirit and filled with a courage that is more than human. Thus, the Gift of Fortitude supplies for what is wanting in the virtue of fortitude. The virtue is regulated by the rules and measure of human prudence, but the Gift is inspired by the presence and command of the Holy Spirit Himself (Ps. xliii. 4, xvii. 2, 3) ; the virtue strengthens the soul, but the Gift supports even the weakness of the flesh, for the Spirit helpeth our infirmity (Rom., viii. 26; cfr. Luke, xxii. 43) ; the virtue aids one against the perils of death, but the Gift strengthens in difficulties both of life and death, reinforcing not only courage but also the allied virtues, greatness of soul, munificence, patience and perseverance, for we can do all things in Him that strengthens us (Phil., iv. 13) ; the virtue gives firm resolution to adhere to the right in spite of death itself, but the Gift adds the unshaken confidence that one shall surmount every difficulty and win the crown of victory (Rom., viii. 31 sqq.).

(b) The Beatitude which is the special exercise of the Gift of Fortitude is the eighth; "Blessed are they that suffer persecution for justice's sake, for theirs is the kingdom of heaven" (Matt., v 10). The Gift of Fortitude makes the persecuted feel a great confidence and security in the midst of the struggle, and this is a foretaste of the copious, exceeding and eternal reward that follows this Gift (Gen., xv. 1; Rom., viii. 18; II Cor., iv. 17; Ps. xciii. 19; II Cor., i. 1). Others assign to this Gift the Beatitudes of the meek and of those who hunger and thirst for holiness.

(c) The Fruits that are most appropriate here are patience in bearing evil and longsuffering in awaiting or performing good; for these are acts that add a finish of maturity to fortitude (see **2447, 2454, 2456**), and in their most excellent state (see **2454**) the performance of them is no longer bitter but sweet.

**2458. The Commandments of Fortitude.**—(a) Fortitude itself is commanded both in the Old and the New Testament. In the Old Testament are found precepts of bravery in bodily warfare, as in Deut. xx. 3: "Hear, O Israel, you join battle this day against your enemies. Let not your heart be dismayed, be not afraid, do not give back, fear ye them not." The New Law commands courage before spiritual foes: "Your adversary the devil goeth about like a roaring lion, seeking whom he may devour, whom resist ye strong in faith" (I Peter, v. 8); "Resist the devil and he will fly from you" (James, iv. 7); "Fight the good fight" (I Tim., vi. 12). It also commands fortitude in the presence of corporal dangers: "Fear not them that kill the body, but cannot kill the soul" (Matt., x. 28).

(b) The annexed virtues are counselled when (as is the case with greatness of soul and munificence) they incline to the excellent and superabundant; they are commanded when (as in the case of patience and perseverance) they are necessitated by normal conditions of earthly existence. Greatness of soul is recommended in the invitations to be perfect (Matt., v. 48), to love God more ardently (see **1560**) and to follow the counsels (see **364 sqq.**), and in the praise bestowed on the excellent virtue of Noe (Gen., vi. 9), of John the Baptist (Matt., xi. 11), and of Mary Magdalene (Luke x. 42). Munificence is recommended in the eulogies of Solomon (Ecclus., xlvii. 20), of Magdalene (Mark, xiv. 9) and of Joseph of Arimathea (Luke, xxiii. 50 ff.). Patience is commanded in Luke, xxi. 19 (In patience possess your souls), and in Rom., xxii. 12 (Be patient in tribulation); perseverance in Ecclus., ii. 4 (In sorrow endure), in Matt., x. 22 (He that perseveres to the end shall be saved), in I Cor., xv. 58 (Be steadfast and unmovable) and in Heb. xxi. 7 (Persevere under discipline).

**2459. Obligation of the Precepts of Fortitude and Annexed Virtues.**—(a) The precepts of fortitude are negative or prohibitory, and therefore it is obligatory at all times to omit what they forbid (see **371**). It is never lawful to be timorous, insensible, cowardly, or foolhardy—to do anything intrinsically wrong, even to escape death (see **317, 318**). But it is not necessary to sacrifice life for the fulfillment of an affirmative precept, unless injury to God or the common safety, or an extreme spiritual loss to self will otherwise result (see **317, 318, 361**).

(b) The precepts of patience and perseverance are also negative, and hence it is never lawful to be guilty of stolidity, impatience, effeminacy or stubbornness. But since patience and perseverance are not so difficult as fortitude, they have also affirmative precepts. These latter laws oblige always, but not for every occasion (see **371**). Thus, one must be always willing to exercise patience, but one who is spared trials has not the occasion to exercise the virtue. Patience itself never ceases to be a virtue, but there is a pseudo-patience which consists in toleration of evils that should not be tolerated, and which is not a virtue but a kind of supineness or spinelessness that pertains to effeminacy rather than to patience.

**2460. Subjects of Fortitude.**—(a) Laws have universal extension, and hence it would not be true to say that active fortitude is a masculine, passive fortitude or patience a feminine virtue. But greater courage is expected in some than in others on account of greater strength (*e.g.*, the adult, the physically well) or greater necessity (as in soldiers, policemen, firemen, pastors, physicians, rulers).

(b) The counsel of munificence, however, is only for the rich as regards exercise, since others have not the means wherewith to exercise this virtue.

### Art. 8: THE VIRTUE OF TEMPERANCE

(*Summa Theologica,* II-II, qq. 141-170.)

**2461. Definition of Temperance.**—Temperance is a moral virtue which regulates according to reason the gratification of the lower pleasures and desires of sense.

(a) It moderates *pleasure and desire*, and in consequence also the sadness caused by the absence of pleasure. Just as a special virtue (fortitude) is needed to check the strongest of the repelled emotions (fear of death), so likewise a special virtue (temperance) is necessary to bridle the most vehement of the attracted emotions (pleasure and desire).

(b) It moderates *sensible* pleasure, that is, satisfactions derived from the use of the external senses—sight, hearing, smell, taste, and touch. Spiritual pleasures, which are derived from the loftier powers of intellect, will and imagination (*e.g.,* from the study of theology, the reading of classical literature, the meeting of mother and child or of friend and friend), have no opposition to reason, except accidentally when a still higher activity which should be exercised is impeded by them. Some of these (such as the pleasures of the intellect) may be called purely spiritual, since they make little or no impression on the sensible appetite; others, on the contrary (such as the pleasures of the will), may be called mixed pleasures, since at times they vehemently excite the sensitive appetite and powerfully affect the body (*e.g.*, mothers have been known to die of joy at the return of a child who was thought to be dead).

(c) Temperance moderates *the lower* sensible pleasures, that is, the satisfactions caused primarily by touch and taste, and secondarily by other senses, in the activities necessary for preservation of the individual (eating and drinking) and of the race (sexual intercourse). These passions are called the lower, animal, or carnal pleasures, since they are common to man and beast, and are strongly rebellious against reason. The special virtue of temperance is necessary, then, to make man follow reason, not Bacchus or Venus. The higher sensible pleasures, on the other hand, are produced by a sensible object, not on account of any relation to venereal or gustatory delight, but on account of a perfection in the object that makes it suitable to the sense (*e.g.*, the enjoyment derived from beautiful scenery, classical music, fragrant roses, or downy or velvety cloth). The esthete or the connoisseur obtains from these agreeable sensations a pleasure unknown to the animals, and one that is not from its nature refractory to reason nor seductive to carnal excess. Hence, these higher sensual pleasures are not gross, but refined; they should be moderated by prudence, but they are not so dangerous as to demand a special virtue, like temperance, for their regulation. Neither should we class with carnal pleasures the joys of physical well-being, such as the refreshment of sleep, the exhilaration of a sea bath or of a massage, the comfort of a balmy breeze, the ease of strength, or the relaxation of exercise.

**2462. The Rule of Moderation.**—The rule of moderation which temperance imposes on the carnal appetites is this: "Indulge only as necessity requires and duty allows." For pleasure is a means whose end is some reasonable need of life, and it is therefore a perversion to make pleasure an end by indulging it apart from need and duty (see 85). But necessity is to be understood broadly, so as to include not only the essentials, but also the conveniences of life (*e.g.*, seasonings and desserts with food).

(a) As to venereal pleasures, then, the rule means that they should not be used outside matrimony, nor in matrimony except for the procreation of children and the other lawful ends of marriage.

(b) As to the pleasures of the table, they should not be indulged except for the benefit of mind and body, and in such manner, quantity, quality, etc., as this purpose requires. But one may regulate one's food or drink by the higher purpose of mortification, and partake of less than the body demands here and now.

**2463. The Excellence of Temperance.**—(a) Temperance is among the four principal or cardinal virtues. It keeps in order one of the passions that is most natural and most necessary for the present life, and among the virtues it excels in the quality of moderation, since it chastens the inclination that is hardest to hold within bounds, and guards the senses, the gateways of the soul (see **2441**). "Wisdom teaches temperance, prudence, justice and fortitude, than which there is nothing more useful in life" (Wis., viii. 7).

(b) In its nature temperance is not the chief but the least of the moral virtues. For justice and bravery are of greater service to the common welfare, and the good of the multitude, as Aristotle remarks, is more divine than the good of the individual. But in accidental respects temperance has a superiority; for it is more tender and graceful than fortitude, more arduous than justice, and there is perhaps no other virtue whose exercise is so constantly called for.

**2464. The Vices Opposed to Temperance.**—(a) The vice of deficiency has been called *insensibility*, and consists in an unreasonable dislike of the inferior sensible pleasures, which makes one unwilling to use them when and as reason commands. Thus, the Stoics and Manichees believed that material joys are intrinsically evil, and there have been fanatical advocates of teetotalism (*e.g.*, the Aquarians) and of purity (*e.g.*, the Puritans who would not permit a man to kiss his wife on Sunday, the prudish and censorious who fear or suspect evil without reason, the Pharisees who think they are defiled if a sinner speaks to them, the misogynists who disapprove of marriage). The sin is venial *per se*, since it does not submit to passion; but it may be mortal on account of some circumstance, as when the marriage debt is unjustly refused or necessary nourishment is not taken. This vice is rarer than its opposite, and it must not be confused with austerity, which for the sake of a spiritual good foregoes some lawful but unnecessary sensible enjoyment.

(b) The vice of excess is *immoderation*, which includes gluttony and impurity. This is the most disgraceful of sins, because the most unworthy of a rational being; it enslaves man to pleasures of which the lower animals are capable; unlike other vices, it contains in itself nothing of intelligence, industry, generosity, and nothing that would at all liken it to virtue. The lowest depths of degradation are reached when immoderation is brutish even in its manner, as when one is gluttonous of human flesh or desirous of sodomitic pleasure. Immoderation is called by Aristotle a "childish sin," because, as a child is eager for pleasures and will follow them unduly unless instructed and trained, so also an immoderate person thinks only of his appetite, and will go from bad to worse unless he accepts the discipline of reason. But the child is excusable, while the immoderate man should know better. Immoderation is worse than timidity; for, while the former seeks selfish delight and acts with willing unrestraint, the latter seeks self-preservation and is under some external menace.

**2465. The Parts of Temperance.**—(a) The subjective parts or species of temperance are two, since there are two distinct objects of the virtue. These objects are the two delights of touch that are ruled by the virtue, namely, those associated with the nutritive and those associated with the generative function. The first subjective part of temperance includes *abstemiousness* as to food and *sobriety* as to drink; the second part includes *chastity*, as regards the principal sexual act (copulation), and *decency* or pudicity, as regards the secondary acts (kisses, touches, embraces, etc).

(b) The integral parts are also two, since there are two conditions for the perfect exercise of temperance. These conditions are the fear and avoidance of what is disgraceful (*shamefacedness*, reserve, or delicacy) and the love of what is honorable (virtue of *propriety* or refinement). Shamefacedness is a passion, but, as physical fearlessness is a disposition for moral courage, so is the fear of incurring reproach a preparation for virtue. Hence, this delicacy is a laudable passion, and is ascribed chiefly to temperance, whose opposite is chief among things disgraceful. Propriety is also assigned to temperance, because it is an attraction towards that which is spiritually good and beautiful, a habit most useful for temperance, which must subordinate the delightful to the good, the carnal to the spiritual.

(c) The potential parts of temperance are its minor or servant virtues. They resemble temperance inasmuch as their chief praise is in moderation, but they are inferior to it inasmuch as that which is moderated by them is less recalcitrant than the sexual or gustatory appetites. First among these potential parts are those whose task of moderating, while not of the greatest difficulty, is yet more than ordinarily difficult; and here we have *continence,* which calms a will agitated by immoderate passion, and *meekness,* which governs the passion of anger. Next among the potential parts are those whose task of moderating offers less or ordinary difficulty, because they keep in order matters less removed from reason. All the virtues of this second group are given the common name of *modesty.* They are reduced to four: *humility* and *studiosity,* which moderate the internal appetites of excellence and of learning respectively; *modesty of bearing* and *modesty of living,* which regulate respectively the external acts of the body and the external goods of food, drink, clothing, furnishings, etc.

**2466. Abstemiousness.**—Abstemiousness is a virtue that moderates according to reason the desire and enjoyment of the pleasures of the table.

(a) It is a special *virtue,* because the appetite it curbs is very powerful, and on account of the body's need of nourishment is often tempted.

(b) It *moderates* by avoiding both defect and excess in meals as to time, place, quantity, quality, etc. There is not, then, one standard amount of food for all, since the needs and duties of all are not the same, and hence he who takes more or less than is normal or usual cannot from that alone be accused of being unabstemious. Neither is the mean for an individual so rigidly fixed as not to permit some latitude within certain limits. It should be noted here too that abstemiousness is not the same thing as abstinence. Thus, a person who is immoderately abstinent, denying himself the food necessary for life or for duty or for optional works better than his abstinence, is not abstemious, since he is not guided by prudence or obligation.

(c) It moderates *according to reason;* that is, it decides what is proper for an individual, not merely from the viewpoint of bodily health, vigor, and longevity, as is done by the arts of medicine and hygiene, but also and chiefly from the viewpoints of higher goods, such as mental power, control of passion, austerity.

(d) It moderates *the pleasures of the table,* that is, the desire for and actual enjoyment of food and non-intoxicating beverages. Moderation in intoxicants is the special virtue of sobriety, which will be discussed later. Hence, a person who drinks too much ginger ale or water, tea or coffee, sins against abstemiousness; he who drinks too much whisky, beer, or wine sins against sobriety.

**2467. Degrees of Abstemiousness.**—(a) The lower degree practises temperance, taking sufficient food and drink for the preservation, not only of life and health, but also of the very pink of physical condition, yet so as to avoid all excess.

(b) The higher degree practises austerity, taking less than is necessary for the best condition, or strength or comfort of the body, but sufficient for life and health. The austere person eats less than he could reasonably take, but not less than his health and work demand. The subtraction he makes in his food will more likely benefit his health in the long run and promote longevity, for, in the wise words of old Galen, "abstemiousness is the best medicine." But even though this austerity be slightly detrimental to health, or may slightly abbreviate life, it is still lawful, since the higher goods of the mind and of virtue may always be secured at such reasonable sacrifice of corporal goods (see **1164 sqq., 1561 sqq.**).

**2468. Austerity.**—The two chief forms of austerity in food and drink are fasting and abstinence.

(a) *Nature.*—The natural fast is the omission of all eating and drinking, or the omission to receive into the stomach anything whatever that has the nature of food, drink or medicine. The moral fast is the omission to take a certain quantity of food that could be taken without intemperance. Abstinence is the omission to take a certain quality of food, such as meat or eggs.

(b) *Kinds.*—Fast and abstinence are in respect to duration either perpetual (*e.g.*, the abstinence from meat of the Carthusians) or temporary (*e.g.*, the abstinence for Fridays and other appointed days of the faithful generally); either voluntary (*e.g.*, a fast which one assumes under private vow) or obligatory (*e.g.*, the fasts and abstinences prescribed in the general or particular laws of the Church). The ecclesiastical fast and abstinence will be spoken of later when we treat of the precepts of the Church and Holy Communion.

**2469. The Excellence of Fasting and Abstinence.**—(a) *Lawfulness.*—Fasting and abstinence are acts of virtue, for they subdue the unruly flesh, fit the mind for divine contemplation (Dan., x. 3 sqq.), satisfy for sins (Joel, ii. 12), and add weight to prayers (Tob., xii. 8; Judith, iv. 11; Matt., xvii. 20). The greatest men of the Old and New Testaments practised fasting—Moses, Samson, Elias, John the Baptist, and St. Paul. Our Lord Himself fasted forty days and forty nights (Matt., iv. 2). St. Paul, therefore, numbers fasting with other virtues: "In fastings, in knowledge, in chastity" (II Cor., vi. 5). Examples of abstinence are Daniel avoiding meat (Dan., i. 8 sqq.) and Eleazar who died rather than eat forbidden swine flesh (II Mach., vi. 18 sqq.). Abstention from solid or liquid nourishment is not a virtue, however, if practised from purely indifferent or evil motives, for example, merely in order to recover health through diet, or to train for an athletic contest, or to preserve shape and beauty, or to commit suicide, or to simulate virtue, or to profess false doctrines or if carried to extremes. The forty-day fasts of Moses, Elias and of Our Lord are for our admiration, but very few are able to imitate these examples.

(b) *Obligation.*—Fasting and abstinence in general are obligatory under natural law, because without them certain necessary ends cannot be obtained. They are remedies for past sins and preservatives against future sins; and, as sin is the common state of man (James, iii. 2; Gal., v. 17), it would be presumptuous to neglect these antidotes. Under the positive law fasting and abstinence have been prescribed in detail, and this was necessary since it is the duty of the Church to determine the time, manner and other circumstances of natural duties of religion which the natural law itself has not determined.

**2470. The Sins Opposed to Abstemiousness.**—(a) The sin of deficiency in the matter of food is *self-starvation.* This is the sin of those who are martyrs to fashion, who in order to have a frail figure follow a diet (*e.g.*, drinking much vinegar or denying oneself all substantial food to reduce obesity) that undermines their constitutions and leaves them a prey to disease. It is also the sin of those who from unwise zeal for rigorous fasting deprive themselves of the necessaries of life, or eat what their stomachs rebel against. This sin does not differ from suicide or bodily injury treated above (see **1566 sqq., 1857 sqq.**). "It is the same thing to kill yourself by slow degrees as to kill yourself in a moment. And he who kills himself by fasting is like one who offers God a sacrifice from stolen property" (St. Jerome).

(b) The sin of excess in food is *gluttony.* There is no sin in desiring food or in taking food with satisfaction, for the Author of nature has willed that such an essential act as eating should be pleasurable, and it is a fact that digestion and health suffer when food is taken without appetite or a peaceful frame of mind. But the glutton goes to excess by the inordinate and unreasonable enjoyment he takes in feeding himself.

**2471. Ways of Committing Gluttony.**—There are many ways of committing gluttony, but they can all be reduced to two heads.

(a) Gluttony in food is excess in the substance, quantity, or quality of the things eaten. The gourmet is extremely fastidious about the substance of his food; he must have the most dainty or costly or rare viands, and nothing else will satisfy him. Cannibalism seems to be lawful in extreme necessity, but it is not lawful to kill human beings in order to eat them. The gorger or gourmand may not be particular about the kind of food that is given him, but he desires a large quantity, more than is good for him. The epicure is too hard to please as to quality; even when there is no festal occasion, he must have a great variety of foods and they must be most carefully prepared, so that he may get the utmost joy of the palate. We should not class among gluttons, however, those who require special foods or special cooking for a good reason, as when health or hard work forces one to observe a strict diet.

(b) Gluttony in eating is excess as to the time or manner of taking food. There is excess about the time when a person is over-eager about the dinner bell, eats before or oftener than he should, or lingers too long at table. There is excess about the manner when a person eats greedily, hurriedly, or selfishly, rushing at his food like a tiger, bolting it like a dog, or depriving others like a pig.

**2472. The Sinfulness of Gluttony.**—(a) Gluttony is a mortal sin when it is so serious as to turn man away from his end itself, making him prefer his appetite to God. Thus, those sin gravely who are such high livers that they are unable to pay their debts, to the serious detriment of creditors; or who gormandize so much that they can do little work and have to spend most of their time in exercising or taking cures; or whose heavy eating is the occasion of serious sins of anger, impurity, or neglect of religious or other duties. To all these apply the words of St. Paul (Phil., iii. 19): "Whose god is their belly." To eat until one vomits seems to be a mortal sin, if the vomit is caused by the enormous quantity of food consumed, for such an act seems to be gravely opposed to reason; but there is no grave sin if the vomit is due to the quality of the food or the weakness of the stomach.

(b) Gluttony is a venial sin when it is a disorder about the means, but not a turning away from the end. This happens when one is inordinately fond of gastronomic joys, but is not prepared to sacrifice grave duties for their sakes. Thus, a person who gives too much indulgence to a sweet tooth, or who likes to stuff himself now and then, but who doesn't disable himself or give scandal by his weakness, sins venially.

**2473. Gluttony as a Capital Sin.**—(a) The first condition of a capital sin is that it be one of the main sources of evil attraction. This condition is verified of gluttony, for all seek happiness, and gluttony contains one of the ingredients of happiness, namely, pleasure in an unusual degree. Among all sensual delights those of the palate and stomach are admitted to be, along with those of sexual love, the most intense. The first of the three temptations with which Satan assailed Christ was that of gluttony (Matt., iv. 1-4).

(b) The second condition of a capital vice is that it be the final or motive cause of a large crop of sins. This condition is also verified in gluttony, since the greedy man is so in love with his pet vice that in order to pamper it he is ready to suffer various kinds of evils which he should not permit. Evils of soul that are caused by gluttony are: heaviness in the mind, for an overloaded stomach unfits the mind to reflect on higher things or to consider the duty of moderation in rejoicing, in words or in acts (Ecclus., ii. 3); absurd mirth in the will, a feeling of security and gladness and unrestraint, for the glutton thinks only of his present contentment and does not consider the evils of his sin; loquacity in word, for his mental faculties being dulled and his will hilarious the glutton gives free rein to his tongue, often sinning by detraction, betrayal of secrets, contumely, and blasphemy (Prov., x. 19); levity in act, for the glutton wishes to give vent to his animal spirits, and he does so by unbecoming jokes and clownishness. Evils of body due to gluttony are dirtiness and disease: the glutton is often filthy in his manner of eating, his breath is fetid, he is much occupied with natural necessities, excretion and exgurgitation, and he suffers from gout or indigestion or one of the numerous other maladies that are the price of overindulgence.

**2474. Sobriety.**—Sobriety in its strictest sense is a virtue that keeps one to the moderation of temperance in the liking for intoxicating liquors and in their use.

(a) Thus, sobriety is concerned with *intoxicants,* that is, with substances that produce a poisonous effect upon the nerves and brain. It is, therefore, a different virtue from abstemiousness, since it has to subdue a vice far more alluring and deleterious than gluttony. Alcohol has the same effect as a narcotic drug, for it benumbs both mind and body, sometimes to the point of insensibility, so that those who are under its influence are unable to think, speak or regulate their movements properly; but it gives a feeling of exhilaration and elevation and leaves behind it an insatiable craving, so that those who have once taken too much are very likely to repeat the act. Habitual intoxication breaks down both morals and health, and the toper goes to a disgraceful and early grave.

(b) Sobriety is concerned with *liquors*, that is, with beverages and medicines. But secondarily it also controls the appetite for narcotics, such as opium, chloroform, tobacco, and the desire to inhale strong liquors or vapors or gases which may produce intoxication.

**2475. Obligation to Practise Sobriety.**—Sobriety should be cultivated by all, but certain ones are more bound to it than others.

(a) Thus, on account of the greater physical evils of insobriety in their regard, the virtue should be especially cultivated by the young, the old, women, and persons of sedentary life. Young people are greatly harmed by too much alcohol, because it stunts their growth and affects them more seriously in mind and body than adults. The old have not the strength to throw off the poison of too much stimulation and are accordingly more injured. Women, being more excitable than men, are more easily affected by strong drink, and hence among the ancient Romans females abstained from wine. Finally, those who lead a sedentary or indoor life do not so easily get the poison out of their systems, and they feel the evil effects more than those who live out of doors or who engage in manual work. But there is no constitution, however iron it may be, that is not conquered in the end by alcoholism.

(b) On account of the greater spiritual ills that result from their insobriety, the virtue of soberness is more imperative in certain individuals. Thus, there are some who do greater spiritual harm to themselves by intoxication, for example, the young, whose passions are more easily inflamed, and females, who are more readily taken advantage of; and hence St. Paul recommends sobriety to women and young men particularly (I Tim., iii. 11; Tit., ii. 6). There are also some who do greater harm to others by intoxication, such as those who should instruct others (Tit., ii. 2), or who should give good example (I Tim., iii. 2), or who are rulers over the people (Prov., xxxi. 4).

**2476. The Sins against Sobriety.**—(a) The sin of excess may be called, for want of a special name, over-sobriety. It is committed by those who condemn all liking for or enjoyment of intoxicants as intrinsically evil (*e.g.,* the Manichees, who said that wine was the gall of the devil); also by those who deny to themselves or others intoxicants when the use of them is necessary (*e.g.,* the Encratites, who would allow only water for the Eucharist, or a fanatical teetotaler who would see a man die rather than give him a necessary dose of whisky).

(b) The sin of deficiency against sobriety is drunkenness, which is a voluntary and unjustified loss of the use of reason brought on by the consumption of too much intoxicating liquor. Drunkenness as a sin (active drunkenness), therefore, is to be distinguished from drunkenness as a condition (passive drunkenness). There is active drunkenness or the sin of drunkenness when intoxication is both voluntary and inexcusable; there is passive drunkenness or the mere state of drunkenness when one or the other of these two conditions is lacking. Usually those who sin by drunkenness seek the pleasure or forgetfulness which potations bring, but this is not essential, it seems, to the sin of inebriety; the malice of drunkenness is found not merely in the excessive pleasure, but especially in the subordination of spirit to the flesh and in the damage done to mind and body. Hence, a person who yields to the insistence of a banquet companion that he drink wine which is disgusting to him, is guilty of drunkenness if he takes too much.

**2477. Cases of Mere Passive Drunkenness.**—(a) *Involuntary Drunkenness.*—This occurs when there is invincible ignorance of fact (*e.g.,* when an adult becomes intoxicated in good faith, because he had no reason to suspect that a cocktail or eggnog was very strong, or that his stomach was very weak), or of law (*e.g.*, when a child gets drunk because he does not know that it is wrong to do so), or when there is lack of intention (*e.g.*, when drink is forced on a person who does not want it).

(b) *Excusable Drunkenness.*—This occurs according to most theologians when there is a proportionately grave reason which justifies the evil of intoxication (see **103 sqq.**). Such grave reasons are the saving of life (*e.g.*, to escape death from snake bite), the cure of serious disease (*e.g.*, cholera or influenza), the avoidance or mitigation of severe suffering (*e.g.*, before a surgical operation, or after a very painful accident, or when there is no other means of helping a grave case of insomnia). In all these cases it is generally admitted that one may bring on unconsciousness by the use of anesthetics and sedatives (such as chloroform, ether, morphine, opium); and there is no reason why we should not view intoxicants also in the light of remedies which may be taken on the advice of physicians or other competent persons if other remedies cannot be had. Some theologians, however, refuse to excuse intoxication for any reason, since they regard drunkenness as intrinsically evil. In addition to the excuses just mentioned some also give that of escape from violent death, as when a burglar threatens to kill unless those present make themselves helpless by intoxication. But all agree that intoxication is not excused by ordinary advantages, such as escape from slight physical pain (*e.g.*, toothache, seasickness), nor by the desire to avoid what can be avoided by other and more suitable means (*e.g.*, worry about one's troubles, an unpleasant meeting or conversation).

**2478. The Morality of Total Abstinence.**—(a) *Obligation.*—*Per se*, there is no obligation of abstaining from all or from any kind of intoxicating beverage, either perpetually or temporarily, for food and drink were intended by God for the use of man and the moderate use of intoxicants, especially when the percentage of alcohol is light, is found by many to be a help to digestion, a refreshing stimulant, an excellent tonic and remedy. The example of Our Lord, who changed water into wine, who partook of wine at banquets, and who made wine one of the elements of the most sacred of rites, is proof that it is not sinful to drink strong liquors. This is also clearly taught in the Bible, which praises moderate drinking of wine (Ecclus., xxxi 36), recommends that a little be taken for a weak stomach (I Tim., v. 23), and declares that it is not what enters the mouth that defiles (Matt., xv. 2).

But, *per accidens,* there is an obligation of total abstinence when a greater good requires that one sacrifice intoxicants, whether the good be of self (*e.g.*, when intoxicants are a serious danger to one's health or morals, or when one is bound by vow or pledge to abstain from them) or of another (*e.g.*, when the use of intoxicants gives serious scandal, Rom., xiv. 21). If the common safety is seriously imperilled through drunkenness, and obligatory abstinence can be enforced and will be the most reasonable method of correcting the evil, we can see no objection to prohibition laws. But whether these conditions exist in this or that particular place or case is a question of fact and has to be decided by impartial study. Certainly there seems to be good reason for doubting, not the need for some remedy, but the wisdom of the legislative remedy we are trying in this country at the present time.

(b) *Lawfulness.—Per se,* it is also permissible to abstain freely from all intoxicants, for the sake of some higher good (*e.g.*, in order the better to apply the mind to studies, Ecclus., ii. 3), to silence calumnious tongues, to practise mortification, or to give good example. But, *per accidens,* it is not lawful to abstain when law (*e.g.*, in the celebration of Mass) or necessity (*e.g.*, a man dying from rattlesnake bite or influenza who cannot be saved without whisky) requires one to drink spirits. Examples of total abstinence are the Nazarites (Num., vi. 3), Samson (Judges, xiii. 7), Judith (Jud., xii. 2, 19), and John the Baptist (Luke i. 15).

**2479. Degrees of the Sin of Drunkenness.**—(a) The sin of perfect or complete drunkenness is a voluntary excess in intoxicants carried so far that one loses temporarily the use of reason. This does not mean that one must become insensible or fall in a stupor or be unable to walk or have delirium tremens (dead drunk), but only that one loses the mental power to direct oneself morally, even though one still retains enough judgment to direct oneself physically (*e.g.*, to cross the street or ascend the stairs safely, or to find one's own quarters without help). The indications of perfect drunkenness are that the intoxicated person no longer distinguishes between right and wrong, perpetrates evils he would abhor in his right senses (*e.g.*, beats his wife, runs down a pedestrian, blasphemes, or provokes quarrels), and cannot remember on sobering up the chief things he said or did while drunk.

(b) The sin of imperfect or incomplete drunkenness is a voluntary excess in intoxicants carried so far that one is somewhat confused in mind, but does not lose the use of reason. Hence, a person who is physically impeded though not mentally incapable on account of drink, who staggers, speaks incoherently, or sees uncertainly, but who knows that he should not beat his wife, or kill, or blaspheme, or quarrel, etc., is imperfectly drunk. There are also circumstances that aggravate the evil of perfect or imperfect drunkenness. Thus, it is worse to be a toper or habitual drunkard than to be an occasional drunkard, and worse to go on a long spree than to be drunk only for an evening.

**2480. Malice of the Sin of Drunkenness.**—(a) Perfect drunkenness is a mortal sin, because it is a grave disorder to deprive oneself of moral judgment and thus expose oneself to the danger of perpetrating serious crimes and injuries. Moreover, it is a monstrous thing to despoil oneself unnecessarily of reason, the greatest natural good of man, and to make oneself for the time being a maniac, more like a beast than a human being. St. Paul declares that those who would put on Christ must put away drunkenness with other works of darkness (Rom., xiii. 13), and that drunkards shall not inherit the kingdom of God (Gal. v. 21). The opinion that perfect drunkenness is only venial if not habitual is now obselete, and the opinion that perfect drunkenness is not mortal unless it lasts a considerable time (say, more than an hour) is commonly rejected; for the essential malice of drunkenness depends on its nature, not on its frequency or duration. A person who takes enough to make himself completely drunk and then escapes the consequences by artificial means (*e.g.*, by using a drug or bringing on a vomit), does not sin mortally by drunkenness; but it seems that such a swinish person must sin mortally by reason of gluttony, injury to health, or scandal.

(b) Imperfect drunkenness is a venial sin, because the harm done is not considerable, for a tipsy man usually suffers nothing more than a slightly fuddled brain and some unsteadiness of body. Indeed, if wine or beer produces nothing more than a spirit of moderate hilarity and talkativeness, there is no sin. Accidentally, imperfect drunkenness may be a mortal sin by reason of circumstances, as when the person who is intoxicated gives great scandal on account of his position or office, or when the motive is to inflame passion or to commit other serious sin, or when the drunkenness is constantly repeated, or when the drunkard seriously neglects his business, family, or religious duties, or does other grave harm in consequence of his love of the bottle. In fact, there may be grave sin when one is not intoxicated at all, but is only a tippler. For the habit of drinking alcoholic beverages frequently (*e.g.*, a nip or dram of whisky several times a day) is, according to medical authority, more harmful to the system (alcoholism) than intoxication at long intervals, especially if the portion is generous and the drinker is young.

**2481. Drunkenness Compared with Other Sins.**—(a) It is not the worst of sins. Sins against the theological virtues are more wicked, since they offend against divine good, whereas drunkenness is against human good. Many sins against the moral virtues are worse, since they injure a greater human good; for example, it is more harmful to take away life than to suspend the use of reason.

(b) It is one of the most ruinous of sins in its consequences (see **2472, 2473**): first, for society, since a large percentage of crime, insanity, destitution, and misery is due to intemperance; secondly, to religion, since indulgence in one sensual pleasure sharpens the appetite for others, while creating a distaste for spiritual things, for effort and self-sacrifice; thirdly, to the intellect, for strong drink steals away the mind and memory; fourthly, to the body, for drunkenness not only prostrates the nervous system at the moment and has most painful after-effects in bursting headaches and disabled stomach, but it also causes permanent disasters (to brain, heart, nerves, kidneys, and liver), weakens the resistance to disease and brings on an early death; fifthly, to goods of fortune, since drunkards squander their all for drink; sixthly, to posterity, since intemperate parents transmit constitutional weakness to their children.

**2482. Responsibility of Drunkard for Sins Committed While Intoxicated.**—(a) If the drunkenness is fully voluntary and culpable, he is responsible for all the sins he foresaw or should have foreseen; for then these sins are willed in their cause (see **94** sqq.). Hence one who is accustomed while under the influence of liquor to blaspheme, betray secrets, quarrel, etc., should confess that he committed them while drunk, or that he was prepared to commit them in getting drunk. Under similar conditions one who misses Mass because he was drunk is responsible for the omission; one who is too drunk to attend to a business appointment and thereby causes loss to another is held to restitution. But, if grave sins are foreseen only in a very confused way, generally they will be imputable only as venial in themselves.

(b) If the drunkenness is fully voluntary and culpable, but the sins that ensued were not foreseen and could not humanly have been foreseen, the drunkard is excused at least in part from the guilt of these sins. Hence, a person who gets drunk for the first time or who usually sleeps after getting drunk is not responsible for the bad language he uses, if the thought of profanity was farthest from his mind when he became drunk. But if this person was not completely drunk and had some realization of the malice and scandal of bad language, he is at least venially guilty of profanity and scandal.

(c) If the drunkenness was involuntary, the drunken person is excused entirely in case of complete drunkenness; he is excused partially in case of incomplete drunkenness that did not exclude some realization of the sinfulness of what he said or did while intoxicated (see Canon 2201, §3). In the civil law drunkeness is not held to be an excuse for a criminal act, but it may negative a specific intent (Robinson, *Elements of Law*, §§471, 525; 531).

**2483. Material Coöperation in the Sin of Drunkenness.**—(a) If there is no grave reason for the coöperation, it is illicit. Mere hospitality is not a sufficient reason for furnishing a table with a great supply of strong drinks when some of the guests are dipsomaniacs, and mere good fellowship does not justify one who has been treated to order another round of treats if some of the drinkers are already inebriated. Parents or others in authority who get drunk before their subjects are guilty of scandal; those who encourage drunkenness are guilty of seduction; those who supply others with drink in order that these may become drunkards are guilty of formal coöperation.

(b) If there is a grave reason for coöperation, it is not illicit (**1515 sqq., 1538 sqq.**). Whether it is lawful to persuade another to get sinfully drunk in order to keep him from the commission of a greater evil (*e.g.*, homicide or sacrilege), is a disputed question (see **1502**).

**2484.** Is it lawful to make another person drunk when he will be guiltless of sin, and there is a grave reason?

(a) According to one opinion this is not lawful, because drunkenness, like impurity, is intrinsically evil and never permissible, since the end does not justify the means. Hence, just as it would be wrong to induce a drunken person to impurity, so it would also be wrong to intoxicate a child or an insane person (see **306**).

(b) According to the common opinion, it is lawful to intoxicate oneself for a grave reason (see **2477** b), and hence also it is lawful to intoxicate another for a similar reason. Thus, if a criminal were about to blow up a building and destroy many lives, it would be permissible or even obligatory to put powerful intoxicants into his drink so as to make him helpless. If one were about to be roasted by cannibals and could escape by making the cannibals drunk, it would not be sinful to make them drunk.

**2485. Licit Use of Narcotics.**—There are a great many substances that produce the same effects on mind and body as intoxicating liquors, namely, the narcotic poisons, such as morphine, opium, chloroform, ether, or laughing gas. To them then will apply the principles given above in reference to strong drink. Thus, it would be a serious sin to make oneself insensible by using morphine, if there were no just reason; but it is lawful to take ether for an operation, gas when having a tooth pulled, morphine when it is ordered by a physician to relieve pain, etc. A special moral question about the use of these drugs is whether or not it is permissible to administer them to a dying person in order to make him unconscious and free from pain until death comes (*euthanasia*).

(a) If a dying person is not yet prepared for death, he should not be made unconscious, else he is deprived of the opportunity of repentance and is exposed to the danger of damnation.

(b) If the dying person is already prepared, and it seems that continuance of the use of reason will be spiritually beneficial (*e.g.,* because he is patient in his sufferings), he should not be made unconscious; but if there is danger that continued consciousness will be spiritually harmful (*e.g.,* because the pains are intense and he will likely rebel), the priest who is in attendance may tolerate the administration of drugs, which will make the patient insensible.

**2486. The Virtue of Purity.**—As abstemiousness and sobriety preside over the pleasures of the self-preservative instinct, so purity governs those that pertain to the species-preservative instinct. Purity is an inclusive name for the virtues of chastity and decency or pudicity, and its office is to regulate proximately the internal movements of the soul (thoughts and desires) and remotely the external words and acts that have to do with sexual delights.

(a) Chastity in its strictest sense is a virtue that moderates or chastens through reason venereal pleasure, chiefly as to its principal or consummated act (*i.e.*, intercourse, semination) or as to its principal bodily centers (*i.e.*, the genital organs). Hence, there is a twofold chastity, conjugal and celibate: conjugal chastity abstains from unnatural pleasure, and uses the natural reasonably in marriage; celibate chastity abstains from all venereal pleasure, as being unlawful in the single state.

(b) Decency (*pudicitia*) in its strictest sense is a virtue that moderates by the sense of shame venereal pleasure chiefly in its secondary or non-consummated external acts (*e.g.*, looks, conversations, touches, embraces, kisses), which are related to the principal act as being an enticement to it, its preparation, or its external sign and accompaniment. The conjugal act, though lawful, occasions a feeling of shame, and the same is true of the non-consummated acts; but decency is especially concerned with these latter, because they are usually more openly performed than the consummated act. Decency means, then, that manifestations of carnal desire should be conducted with a sense that this desire arises from a lower and rebellious passion, removed in itself farthest from reason, and not more suited for unrestrained expression or public exhibition than other lower animal acts. The sense of shame and decency is a protection to the virtue of the unmarried and the married, restraining the former from the unlawful and holding the latter to moderation in the use of the lawful.

**2487.** Chastity and decency are not separate virtues; rather decency is a circumstance of chastity. (a) Thus, chastity moderates also the secondary acts, for reason must chastise the pleasure that is taken in these acts, if this passion is to be kept in due bounds. (b) Decency moderates also the primary act, for in the use of marriage there should be nothing unworthy, nothing to bring a blush of confusion.

**2488. Virginity.**—The highest form of chastity is *virginity,* which is a purity unblemished that retains the bloom of its original innocence. Conjugal chastity uses venereal pleasures moderately and virtuously; virginity abstains from them entirely and virtuously. Virginity is threefold.

(a) Virginity of body is freedom from corruption in the genitals, which means that a male has never had sexual intercourse, that the hymen of a female is inviolate. This physical purity belongs to the virtue of virginity accidentally, seeing that it is the result or indication of the virtue; but it does not belong to the virtue essentially, since virtue is in the soul, not in the body. Hence, one may be virginal in body without the virtue of virginity (*e.g.*, a new-born infant), or vice versa (*e.g.*, a woman vowed to virginity who has been raped).

(b) Virginity of the lower part of the soul (the passions) is freedom from venereal pleasure voluntarily experienced. Primarily, this refers to pleasure in consummated acts, secondarily to pleasure in non-consummated acts and internal acts of thought and desire. This kind of purity belongs to the virtue of virginity essentially, since sexual pleasures are the material element or subject-matter of virginity, whose office it is to exclude all indulgence of them. Hence, a person who has had even one voluntary experience of these satisfactions, lawful or gravely unlawful, has lost virginity permanently, though the virtue of chastity may remain or may be recovered. For virginity cannot continue when its subject-matter has been removed. It should be noted that involuntary pleasures, as in nocturnal pollution or in rape or in passive spermic discharges, are not detrimental to the virtue of virginity.

(c) Virginity of the higher part of the soul (the mind) is the intention to abstain from every venereal act in the future. This purity of soul also belongs to the virtue of virginity essentially, being its formal element, since acts of the sensitive appetites are made moral and virtuous only from the direction and influence of reason and will. Hence, one who has had no experience of voluntary carnal pleasure, but who intends to marry and use its rights or to act unchastely, has not in the first case the virtue of virginity, or in the second case the virtue of chastity.

**2489. Loss of Virginity.**—Physical or bodily virginity once lost can never be recovered, for this virginity means that a certain bodily action or passion has not occurred, whereas the loss means that such action or passion has occurred. Of course, a miracle could restore bodily integrity. But a more important question is this: is moral virginity, or the virtue of virginity, also irrecoverable?

(a) If the virtue has been lost as to its chief material element, it cannot be recovered. This material element (*i.e.*, the absence of all voluntary seminal experience) cannot be restored, for even God cannot make what has been experienced a non-actuality. However, it should be noted once for all that loss of virginity does not necessarily imply loss of conjugal chastity, and that lost chastity may be recovered by repentance.

(b) If virginity has been lost as to its formal element, and the intention not to abstain was unlawful and naturally, though not actually, productive of semination (*e.g.*, copulation of a completely aspermatic adult, or internal and intense libidinous sin from which accidentally pollution does not result), it seems that the virtue cannot be recovered. For in these cases the sinner wills, at least indirectly, the loss of the chief material element of virginity, and it seems repugnant to reason to ascribe the glory of virginity to one who has sinned in this way. Non expedit regulariter monere pœnitentes de eorum virginitate irreparabiliter amissa, sed præstat quærentibus respondere omnia peccata remitti de quibus contritio habeatur.

(c) If virginity has been lost as to its formal element and the intention not to abstain was lawful (*e.g.*, a maid not under vow decided to marry and have children, but changed her mind and decided to remain single), or was unlawful but neither naturally nor actually productive of semination (*e.g.*, external unchastity of a child incapable through impuberty of emissions, or internal and ony mildly exciting unchastity of an adult), the virtue may be recovered, certainly in the first case and probably also in the second case. For the matter of virginity is certainly not taken away by the mere intention to have lawful venereal pleasure, nor probably even by pleasures that do not tend to semination. Recovery of virginity is made in the one case by the retractation of contrary intention and in the other case by repentance and renewal of good purpose.

**2490. Conditions Necessary for the Virtue of Virginity.**—(a) As to its manner, it seems more probable that this purpose must be expressed as a vow. The reason for this according to some is that virginity is a special virtue only because of the sacred character which religion gives it, and according to others also because of the unshakable renunciation which is conferred by a vow. But it is also held as probable that unvowed virginity may be called a lesser degree of the special virtue of virginity. At least, it is a higher degree of the virtue of chastity.

(b) As to its motive, virginity must be justified by an extrinsic reason. Chastity is justified by its own end, which is reasonable moderation. Virginity, on the contrary, is not self-justificatory, since in itself it is unfruitful and without advantage. Hence, it is not praiseworthy unless it serves some higher good than that of propagation, such as a good of the mind (*e.g.*, Plato remained single for the sake of philosophy) or of the will (*e.g.*, the New Testament recommends virginity for the sake of greater devotion to the things of God). Virginity that results from mere contempt for sensible pleasure would be an excess, and continence embraced merely to escape the burdens of marriage and to lead an easy, self-indulgent, irresponsible life would be selfishness; but virginity followed from an ideal of self-sacrifice which reason approves observes the golden mean.

**2491. The Excellence of Virginity.**—(a) Virginity has the highest rank among the various forms of chastity. Every kind of chastity (pre-nuptial, conjugal, vidual) is of great importance, because to this virtue is entrusted the right propagation of the entire race and the moral and physical health of the individual in the most insistent of passions. The material reproduction of the race is indeed a more urgent need than virginity, since without it the human species would die out; and if there were danger of race extinction, it would be more imperative to marry than to remain continent. But if we confine our attention to the ordinary course of things and compare virginity and non-virginal chastity from the viewpoint of nobility, it must be said virginity is more valuable both to the community and to the individual than the other kinds of chastity. It is more valuable to the community, since the example of its excellence is a protection to public morals, and its permanence gives the opportunity for a more general and ready service of society. It is more valuable to the individual, since to be occupied with the things of God is better than to be engrossed in the things of the world, and the unmarried have the opportunity to devote more time with less distraction to higher things. Scripture affirms the superiority of virginity to marriage by its teaching (*e.g.*, Our Lord in Matt., xix. 12, counsels virginity; St. Paul in I Cor., vii. 7 sqq., says that it is the better and more blessed state), by its examples (Our Lord, the Blessed Virgin, St. John the Baptist, St. John the Evangelist, and in the Old Dispensation Josue, Elias, Eliseus, Jeremias), and by its promised rewards (Apoc., xiv. 4). A popular philosophy of materialism today makes repressed sex-urges responsible for hysteria and other emotional disturbances, but experience proves that continence benefits both psychical and physical health.

(b) Virginity does not rank first among all the virtues. The theological virtues surpass it, being its goal; martyrdom and religious obedience are greater, because they sacrifice the superior goods of life and of the will. It may happen, then, that a person in the married state or a penitent (Luke, vii. 36 sqq.) is personally more holy than one dedicated to continence; a married person or penitent may surpass a virgin in faith, hope and charity, and may be therefore, simply speaking, more perfect.

**2492. The Sin of Impurity.**—This sin, which is also known as lust, is an inordinate desire of sexual pleasure.

(a) Its object is *sexual pleasure*, that is, the sense of physical enjoyment in the bodily organs or of psychical satisfaction in the lower appetites of the soul derived from acts related to generation. Hence, we should distinguish impurity from sensuality (which is an inordinate attachment to esthetic pleasure or other higher sense-pleasure), from luxury (which is an excessive desire of health and comfort), and from the vice called curiosity (which is an over-fondness for intellectual delights, see **2461**). But it should be noted that sensual pleasure easily leads to venereal delight, and that intellectual curiosity about sex matters is dangerous, and hence this sensuality and curiosity may be, and frequently are, a temptation to impurity (see below on Temptations to Impurity).

(b) Impurity is in *desire,* for the passions in themselves are indifferent (see **121**), and they become sinful only when their abuse is consented to by the will.

(c) Impurity is *inordinate;* that is, it takes pleasure against the dictate of reason. This happens when sexual gratifications are indulged by the unmarried, or by the married in unnatural ways. It is a perversion and a sin to cheat the stomach in order to gratify the palate, because God willed that the pleasure of eating should serve the nourishment of the body, or, as the proverb has it, because man does not live to eat, but eats to live. Now, sex pleasure has been ordained by God as an inducement to perform an act which is both disgusting in itself and burdensome in its consequences—an act, too, which has for its purpose the propagation and education of children, duties that cannot be rightly attended to except in the married state. Hence, those who seek venereal pleasure outside of matrimony, or outside the way intended by nature, act unreasonably, for they sacrifice the end for the means. Instinct guides the animals aright in these matters, but man is a nobler creature and must guide himself by religion and reason.

**2493. Kinds of Impurity.**—(a) Impurity is consummated when the act is continued to its natural conclusion and complete venereal satisfaction is had. This occurs in semination, which is the termination of the process set up by the impure thought and desire and the realization of its full pleasure. Semination occurs either in the process of coition, or in extra-coitional issues known as "pollution." Equivalent to semination, morally speaking, are other emissions or secretions that accompany complete or almost complete gratification, but in which the fluid is not prolific (*e.g.*, the urethral emissions in boys who have not attained puberty or in eunuchs, the vaginal fluid in women, urethral distillations). Consummated impurity is either natural (that is, suitable for reproduction, the end intended by nature), as in fornication or adultery, or unnatural (that is, not suited for reproduction), as in sodomy or pollution.

(b) Impurity is non-consummated when not carried to its natural conclusion of complete satisfaction and semination.

There are two classes of the non-unconsummated sins, namely, the internal (as in thoughts and desires) and the external or lewdness (as in words, looks, kisses). This happens without carnal commotion (*e.g.*, when a frigid old man thinks with mental pleasure only on the wild deeds of his youth), or with carnal commotion, that is, with an excitement and stimulation in the genital organs that prepares the way for semination.

**2494. Gravity of the Sin of Impurity.**—(a) Impurity is a mortal sin, because it is a disorder that affects a good of the highest importance (*viz.*, the propagation of the race), and brings in its train public and private, moral and physical, evils of the most serious kind. Man has no more right to degrade his body by lust than he has to kill it by suicide, for God is the absolute Lord over the body and He severely forbids impurity of every kind. Those who do the works of the flesh, whether according to nature (*e.g.*, fornicators and adulterers) or against nature (*e.g.*, sodomites) or by unconsummated sin (*e.g.*, the unclean, the impure), shall not obtain the kingdom of God (Gal., v. 19; I Cor., vi. 9 sqq.), nor have any inheritance with Christ (Eph., v. 5).

(b) Impurity is not the worst of sins, because sins against God (*e.g.*, hatred of God, sacrilege) are more heinous than sins against created goods, and sins of malice are more inexcusable than sins of passion or frailty. But carnal sins are peculiarly disgraceful on account of their animality (see **2464** b, **224**), and in a Christian they are a kind of profanation, since his body has been given to Christ in Baptism and the other Sacraments (I Cor., vi. 11-19).

(c) Impurity is one of the seven capital vices. The capital sins have a preëminence in evil, as the cardinal virtues have a superiority in good. The preëminence in evil is due, first, to some special attractiveness of a vice that makes it an end for the commission of other sins, which are used as means to it or are incurred for its sake; or, secondly, to a power and influence that is so strong as to hurry those under its sway into various kinds of sin. Now, impurity is a moral disease that ravages every part of the soul, its deadly effects appearing in the reason, the will and external speech; for the more one subjects oneself to the dominion of passion, the less fitted does one become for the higher and nobler things of life; and the more ignoble the inner life, the more vulgar, cheap and degrading will be the conversation.

Hence, the Fathers trace back to impurity the following sins of imprudence in the mind: *wrong apprehension,* about the end or purpose of life, and *precipitancy* in deliberation, *thoughtlessness* in decision, *inconstancy* in direction, in reference to the means to the end (see **1693 sqq**.). They also trace to impurity the following sins in the will: as to the end, *voluptuarism* (which subordinates all to fleshly pleasure) and *hatred of God* (which abhors the Supreme Lawgiver who forbids and punishes lust), as to the means, *love of the present* and *horror of the future life* (since the carnal man revels in bodily pleasures and dreads the thought of death and judgment). Finally, they trace the following sins of the tongue to the vice of impurity: the subject of the lewd man's talk is *filthy,* for out of the heart the mouth speaketh (Matt., xii. 34), the expression itself is *foolish,* since passion clouds his mind, the origin of his talk is emptiness of mind which shows itself in *frivolous* words, and his purpose is unsuitable amusement, which leads to farcical or *vulgar* jokes.

**2495. Evil Fruits of Impurity.**—In addition to these moral consequences, impurity is also prolific of many other evil fruits.

(a) Thus, for the sinner himself it is like a cruel goad that constantly annoys him and takes away his peace (St. Ambrose), like a sword that kills the nobler instincts (St. Gregory the Great), like a descent from human dignity to a condition below the beasts (St. Eusebius of Cæsarea).

(b) For society it is disastrous in many ways, since it propagates dread mental and physical diseases, disrupts the peace of families, brings disgrace and destitution on innocent children, eats away fortunes and leads up to innumerable crimes of injustice and violence.

**2496. Is Impurity Ever a Venial Sin?**—(a) By reason of the imperfection of the act, impurity is venial when there is no sufficient deliberation or consent. Invincible ignorance in reference to the sixth commandment itself sometimes happens, especially in reference to internal sins of thought, to external sins of pollution if the person is young, and to other external sins when there is some complication of circumstances (*e.g.*, kissing and other intimacy by engaged persons, onanism when married persons are poor or the woman sickly); and more frequently there is invincible ignorance about details of the sixth commandment (*e.g.*, about the precise theological or moral malice of what is known to be sinful).

(b) By reason of the matter, impurity according to the common teaching is always mortal if directly willed, but sometimes venial if only indirectly willed. Impurity is *directly willed* when one posits an act intending to obtain from it unlawful venereal delectation, or perceives that such delectation is already present and consents to it. No matter how brief this voluntary assent, no matter how slight the commotion of the animal nature, no matter how far from the consummated is the impure act in question, there is always a serious injury done to a great good or at least (exception is made for the case of married persons) the proximate danger of such injury, and hence mortal sin (see **260**). That even slight yielding to impurity is a serious peril is the teaching of Scripture (which declares that lust has killed even the strongest, Prov., vii. 26), of the Church (which condemns the opinion that libidinous kisses are not dangerous, see Denzinger, *Enchiridion,* n. 1140), of theology (which reminds us that by original sin reason has been darkened, the will enfeebled and the passions strengthened), and of experience (which shows that those who expose themselves to passion's flame will be burnt). A small spark of fire is not trivial in the vicinity of a powder magazine, a minute flaw in a machine is not unimportant if it may bring on disaster, a first step is not safe if it is made on a slippery downward declivity.

(c) Impurity is *indirectly willed* when deliberately and without sufficient reason one posits an act which is not venereal pleasure (whether the act be good, such as a prayer made with great sensible fervor, or bad, such as gluttony, or indifferent, such as reading a book, looking at a picture, taking a bath), but which produces foreseen venereal pleasure (consummated or non-consummated) that one neither intends nor directly consents to. Impurity thus indirectly willed is sinful, because the pleasure is foreseen and permitted without sufficient reason (see **102**), or in other words because one exposes oneself to danger of internal defilement (consent), or external pollution without justification (see **260**). Indirect impurity is *mortal* when there is proximate danger of grave sin in the act done, that is, when the posited act *per se* or from its nature strongly incites the agent to sexual passion, as when one gazes long and fixedly at obscene pictures, knowing that always or nearly always this arouses impure emotions. The sin is *venial* when there is only remote danger of grave sin. This happens when the posited act is not of a venereal kind (an unnecessary conversation on indifferent topics) or is only mildly exciting (*e.g.*, a passing glance at an obscene object), or when the agent himself is not greatly affected by it (*e.g.*, when an old man, or one who is of very cold disposition, or an artist whose only thought is the esthetic excellence, carefully studies a picture of the nude).

**2497. Temptations to Impurity.**—Before treating the various kinds of impurity, we shall speak briefly of temptations that occasion this sin and of the duties of the person tempted.

(a) *External* temptation comes from the devil or the world, and the duty of struggling against it has been treated elsewhere (see **252, 1455 sqq., 1495 sqq.**). Thus, he who finds that certain persons, places or things are for him a temptation to impurity must be guided by the principles given for occasions of sin (**263 sqq.**); he who finds that another wishes to seduce him into impurity must refuse all internal consent (see **254 sqq.**), and must also resist violence when there is hope of success, or when this is necessary to avoid giving scandal or yielding consent (see on Self-defense, **1841**).

(b) *Internal* temptation comes from the flesh. It consists in inchoative disturbances or excitements of the organs or fluids that serve generation (*e.g.*, erections, clitoral movements). Sometimes it is produced involuntarily, without any intention or consent of the will, by physiological states (*e.g.*, conditions of the blood, nerves, etc., due solely to the weather, to disease, to aphrodisiac properties of ailment, to clothing, or position) or by psychical states (*e.g.*, spontaneous images or appetites of the soul mentioned in **129**); and in these cases the temptation is manifestly free from all sin. St. Pius V condemned the teaching of Baius that those who suffer motions of concupiscence against their will are transgressors of the command: "Thou shalt not covet" (see Denziger, *Enchiridion,* nn. 1050, 1051, 1075). Sometimes the temptation is directly voluntary, as when the passion is deliberately awakened for the purpose of sin, and then there is grave guilt (see **2496** b). Sometimes the temptation is indirectly voluntary, as when with the foresight of the passion but without desire of it an action is performed that arouses it. In this last case, if there is a just reason for the excitatory action (*e.g.*, a physician sees and hears things that are calculated to be a temptation, but his reason is the exercise of his profession), no sin is committed; but if there is no just reason for the action (*e.g.*, a person reads an erotic book, and curiosity is his only motive), sin is committed, and its gravity depends on the amount of danger to which one exposes oneself (see **2496** c).

**2498. Resistance to Internal Temptations.**—The fight against internal temptations is of various kinds.

(a) By reason of its subject, the conflict is chiefly in the will, to which it belongs to give or withhold consent; secondarily, in the other powers of the soul and the body, which under command from the will perform acts designed to overcome temptation.

(b) By reason of its manner, the conflict is either removal of the temptation (*i.e.*, cessation from an act which produces the temptation) or resistance, passive or active. Passive resistance is the suspension of activity relative to the temptation till it ends of itself, as when internally the will neither consents nor dissents, or externally nothing is done for or against the temptation. Active resistance is positive opposition offered to temptation. It is made in two ways: first, by way of flight, as when internally the mind turns away to other thoughts (*e.g.*, absorbing studies, meditation on the passion of Christ), or the will devotes itself to other subjects of resolve (*e.g.*, acts of love of God or of purity), or externally the body is removed or freed from conditions that excite temptation; secondly, by way of attack, as when internally the mind turns against the temptation (*e.g.*, thinking of its dangers, calling on God to drive it away), or the will rejects the temptation (*e.g.*, by despising it, by expressing dislike, disapproval and unwillingness, by firmly resolving not to yield, by deciding on measures against the passion), or when externally the body is subjected to pain or mortification.

(c) By reason of its circumstances, resistance to temptation is either prolonged, as when the act by which the will resists is of considerable duration or is renewed at frequent intervals, or is brief, as when the act of rejection is momentary and is not repeated.

**2499. What Opposition to Temptation Is Sufficient?**—Opposition to temptations of the flesh must be sufficient to remove the temptation, when the temptation is due to the continuance of one's own sinful or unjustified act; for one is obliged to cease from sin or the unreasonable. This happens (a) when the temptation is directly voluntary—for example, one who wished to experience temptation and therefore reads a very seductive book must give over this reading; or (b) when the temptation is not directly voluntary and is without sufficient reason—for example, one who experiences carnal temptation due to a book which he reads from idle curiosity must desist from the book. But one is not bound to omit or interrupt necessary or useful acts, such as rest and sleep, prayer and charity; consent should be denied the evil, but the good should be continued.

**2500. Insufficient, Harmful and Unnecessary Opposition.**—In other cases opposition to temptations of the flesh must be such as is sufficient to keep one from consent, that is, to protect one against the proximate danger of sin.

(a) Hence, that resistance is insufficient which does not strengthen the will. It seems that passive will-resistance is of this kind, since it is most difficult for the will to remain inactive in the presence of carnal stimulation or motions of the sensible appetites without being moved by the evil suggestion. In external resistance, however, passive opposition suffices when it alone is feasible, as when temptation grows out of necessary work, or rest that cannot be discontinued or interrupted by active resistance, provided the will registers internally its displeasure or disapproval; but external passivity is not permissible when the will needs the help of external resistance, as in the case of vehement and prolonged temptations.

(b) That resistance is harmful which strengthens the temptation. Hence, resistance by direct attack or by formal rejection is oftentimes to be omitted in favor of resistance by flight or by contempt; for it is a common teaching of the Fathers and Doctors confirmed by experience that dwelling on reasons and means of repelling passion often adds to its strength, and that resolving mightily and expressly to crush a weak and passing temptation often serves only to give it a longer life. It is better to brush a mosquito away than to risk one's neck by chasing it up and down stairs.

(c) That resistance is unnecessary which demands a physical or moral impossibility. Thus, a prolonged act of resistance or one repeated at intervals of a few minutes, or a resistance that includes extreme corporal austerities, is not required in ordinary cases at least. When a temptation is unusually vehement or is due to one's own fault, there should be proportionately greater resistance to offset the greater danger; but when a temptation is only moderately dangerous, it suffices to reject it firmly but briefly and to repeat this when there arises a new crisis or danger and the renewal of resistance is useful.

**2501. Weapons against Carnal Temptations.**—The most powerful weapons against carnal temptations are spiritual ones, and of these the most necessary is grace, which should be asked in prayer (Wis., viii. 21), especially through the intercession of the Blessed Virgin Mary. But corporal means, chiefly of a preventive kind, should not be neglected.

(a) Physical measures are the observance of what are now often spoken of as sex hygiene for normal and sex therapeutics for abnormal cases. Special health rules whose observance conduces to good morals are especially the cultivation of habits of bodily cleanliness, of hard mental and physical work, of vigorous exercise and the avoidance of unhealthful habits (such as constipation, drug or spirit stimulation), unsuitable clothing or sleeping conditions. Surgical or medical treatment for structural abnormalities or for mental or bodily diseases that react unfavorably on sex life requires the service of a conscientious and competent physician.

(b) Religious measures are various forms of corporal mortification, such as custody of the eyes and other senses, deprivation in food (fasting and abstinence) and sleep (vigils, night watches), afflictive penances through the use of hairshirts, painful girdles, scourges or disciplines. But austerities must be suited to the health, age, condition, duties and other circumstances of the person who practises them, and should not be used without the consent of one's confessor or spiritual director. Other very useful means of a corporal kind for the cultivation of purity are dealt with in a number of books and booklets on sex instruction, such as the articles by Dr. James J. Walsh in *The Homiletic and Pastoral Review* (1930), which are soon to be published in book form, the works of Fr. Fulgentius Meyer, O. F. M., on this subject, and the excellent pamphlets of the American Social Hygiene Association.

**2502. Sinfulness of Negligence in Resisting Temptations.**—It is sinful not to struggle against temptation, since he who in no way resists, not even passively, surrenders or yields to sin. Hence, the Church condemned the quietistic indifference to temptation of Molinos (Denzinger, nn. 1237, 1257, 1267). It is also sinful to resist, but only insufficiently, as regards promptness, vigor, manner, etc.

(a) *The Theological Malice.*—It is mortally or venially sinful to be negligent against temptation, according to the greatness or smallness of the danger to which the negligence exposes one (see **256-262**). Thus, it is not a serious sin to omit all resistance to a weak and dying temptation, or to neglect from indolence or other venial fault all external resistance when the danger is made remote by the internal displeasure or resolution; but it is a serious sin to trifle with any very attractive temptation or to put off resistance until a progressing temptation has grown formidable and made self-control difficult, and this is true even though consent is not finally given to the impure suggestion.

(b) *The Moral Malice.*—Negligences in reference to carnal temptations do not differ specifically but only in degree, according to the approach the stimuli make towards complete lust. Even when there is an object (*e.g.*, fornication, adultery) before the mind, the difference in species of the object, it seems, does not induce a difference in species of the sin, since the sin is the general one of carelessness in presence of temptation. Hence, it suffices to confess that one has been remiss in banishing impure emotions or thoughts.

**2503. Applications.**—(a) The principles here given in reference to emotions of the sensible appetite and rebellions of the flesh should be applied to other involuntary acts in the imagination, reason and will (see **129**). Thus, thoughts or images of impure scenes that pass through the mind should be treated in the same way as temptations of the flesh.

(b) The principles here given about the person who suffers temptation should also be applied to the person who causes temptation. Since it is a mortal sin to commit impurity, it is also a mortal sin to solicit impurity; since it is a mortal sin of lust to make oneself drunk in order to experience carnal emotions, it is also a mortal sin of lust to make another person drunk that he may become likewise inflamed; since it is a mortal sin to expose oneself to extreme danger by reading a pornographic work, it is also a mortal sin to wish to expose another to a like danger. And this is true even though the temptation is unsuccessful. Physicians who minimize the wrong of masturbation, or who counsel fornication to young men on the absurd plea that continence is unhealthy or productive of impotency, share in the guilt of pollution or fornication which they counsel; and young persons who seek to win the sinful love of others by nourishing their hair, painting their faces, exposing their bodies, etc., have the guilt, if not the gain, of seduction.

**2504. Non-Consummated Sins of Impurity.**—These include all those preparatory sins in which unlawful sex pleasure is not carried to completion by coition or pollution. We shall speak first of the internal sins of thought, delight, and desire (see **232 sqq.**), and next of the external sins of unlawful looks, words, kisses, and embraces.

**2505. Impure Thoughts.**—Impure thoughts (*delectatio morosa*) are representations in the mind or imagination of impure venereal objects in which deliberate pleasure is taken.

(a) They are *representations*, that is, mental pictures or images of things absent from the senses, but thought of or imagined as present. Thus, impure thoughts differ from desires, which consist in attraction with will to accomplish, and also from sense contact of various kinds with objects present to the eyes, ears, or touch.

(b) They are joined with *deliberate pleasure* of the will, that is, one intends them or consents even momentarily to them after perceiving their presence and malice, even though carnal pleasure is not felt or does not threaten. Thus, impure thoughts differ from tempting thoughts, which are vagrant and unwished forms that appear in the mind, and are thought on before their true character is adverted to, or which gain a lodging in spite of efforts to eject them. A tempting thought is not sinful, but an occasion of merit when resisted, no matter how long it endures (see **2497** b).

(c) The pleasure is taken in a *venereal object*, that is, in the thought of fornication, adultery or other carnal sin, committed by oneself or by another. Hence, impure thoughts are not to be confused with the pleasure taken in knowledge about impurity (*e.g.*, a professor of medicine or morality is not impure when he rejoices at the sexual knowledge he possesses and which is necessary for his duties, or willingly thinks about sex matters when it is necessary or useful for him to do so), or with pleasure taken in the morally indifferent manner of the venereal sin. For example, amusement over a ridiculous feature of a sin which one detests is not an impure thought (see **233–236**).

**2506. The Malice of Impure Thoughts.**—(a) *The Theological Malice.*—Impure thoughts are mortal sins: for he who deliberately rejoices at the thought of sin, loves sin and is therefore guilty of it. They are venial sins when there is imperfect advertence, and also when there is lightness of matter on account of the remoteness of the danger of a thought only indirectly voluntary. They are mortal when there is full deliberation and the impure thought is directly voluntary or gravely dangerous (see **2496**).

(b) *The Moral Malice.*—Impure thoughts have the same specific malice as the representation of the object which is entertained as a welcome guest in the mind; for not only is impurity given the hospitality of the mind, but a particular kind of impurity (see **90, 235**). Hence it follows, first, that a specifically different object (as is the case with different consummated sins) makes a specifically different sin (*e.g.*, to think pleasurably of unlawful intercourse is mental fornication if the persons in mind are unmarried, and is mental adultery if the person in mind is married); secondly, that objects not specifically different—as is the case with different non-consummated sins of lewdness—do not make specifically different sins (*e.g.*, to think pleasurably of a sinful kiss and to think sinfully of a sinful touch are both mental lewdness or impure thoughts); thirdly, that special malices of the object from which the mind can prescind—*viz.*, those which in the external act do not change the species or do not explain the venereal pleasure—and from which it does prescind, are not incurred (*e.g.*, to think pleasurably of sin with a woman who is married and a relative, if the thought that she is married or one's relative is not pleasing or is displeasing, is mental fornication, not mental adultery or mental incest). In praxi vero consulitur confessariis ut regulariter abstineant a quæstionibus de specie morali delectationis morosæ; nam fideles plerumque nesciunt faciliter distinguere inter species morales cogitationum, et sic interrogatio evaderet vel inutilis, vel etiam ratione materiæ periculosa. Ad hæc quum casus crebriores sint, maximo esset incommodo, tum confessariis, tum pœnitentibus, si sacerdos exquireret quæ vix cognosci possunt. Sufficit igitur ordinarie sciscitari de specie theologica (utrum voluntas complacuerit), vel de specie morali generali (utrum actus internus delectatio morosa vel potius desiderium fuerit).

**2507. Impure Rejoicing.**—Impure rejoicing is a deliberate pleasure of the mind yielded to the recollection of a past sin of impurity. Hence, this sin of rejoicing is committed when one thinks with approval of a fornication of former days, but the sin of rejoicing is not committed when one confines one's pleasure to some good consequence of a fornication (*e.g.*, the excellent child that was born), or to a lawful pleasure of the past, as when a widower thinks without present carnal commotion or danger of his former married life. The circumstances are more readily willed here than in impure thoughts, for here the mind is picturing an actual, not an imaginary case of sin, and the mental representation will therefore be more distinct; nevertheless, even in case of impure rejoicing the moral sub-species—nay, even the distinction between impure rejoicing and impure thoughts—is usually not perceived. The principles of the previous paragraph apply to impure rejoicing.

**2508. Impure Desires.**—Impure desire is a deliberate intention to commit impurity in the future.

(a) It is a *deliberate intention*, that is, a purpose or will to which consent is given internally. Hence, an impure desire is not the same thing as a statement of fact, as when a passionate person declares that he would sin, were it not for fear of the consequences, meaning only that he is frail, not that he wishes to sin. Neither is it the same as a mere velleity, which desires venereal pleasure under circumstances that would make it lawful, as when a married man wishes that he were lawfully married to a woman other than his present wife, or that both he and the other woman were free to marry each other. But these velleities are foolish and venially sinful, and often on account of danger they are mortally sinful. An impure desire exists when the will consents unconditionally (as when a person decides or wishes to fornicate tomorrow) or conditionally under a proviso that does not take away the malice (as when a person decides that he would fornicate were it not for fear of punishment, or wishes that it were lawful for him to practise fornication).

(b) It is an intention to *commit impurity*, and hence there is no impure desire in wishing what is not venereal pleasure (*e.g.*, the spiritual, mental or bodily relief that follows on an involuntary pollution), or what is lawful venereal pleasure (*e.g.*, when engaged persons think, but without carnal commotion or danger, of the benefits of their future married relationship).

**2509. Malice of Impure Desires.**—Impure desires are mortal sins and have the malice of the object and of the circumstances that one has in mind; that is, one commits the same kind of sin in desiring as in performing impurity. Hence, Our Lord declares that he who looks upon a woman to desire her unlawfully has already committed adultery in his heart (Matt., v. 28), and hence also the ninth commandment forbids sins of impure desire. The principles given in **2506, 2507,** apply also to impure desires with this difference that the mind when it wills external performance considers the object as it is in itself, not as it is mentally represented, and hence is less likely to prescind from actual circumstances known to it. But even here confessional investigation is sometimes not necessary on account of its moral impossibility.

**2510. Lewdness.**—After the internal sins follow the external sins of lewdness or indecency (*impudicitia*). These may be defined as ''external acts which are performed from or with deliberate venereal pleasure that is not consummated, and which are not directed to the conjugal act.''

(a) They are *external acts* of the body, such as the looks of the eye, the speech of the tongue, kisses of the lips, touches, fondling, embraces, pressure of the hand, etc. Those also are guilty of lewdness who permit themselves to be petted, kissed or otherwise impurely handled, unless it is morally impossible to resist, as when a woman who gives no internal consent cannot defend herself against a forced kiss without being killed, or cannot without great scandal refuse to shake hands with one whose motive is impure love. Lewdness (*e.g.,* an impure look) may also be directed to one's own person, or to an animal, or to an artificial object, such as a statue or book.

(b) They are performed *from or with pleasure;* that is, passion either causes or accompanies the impure look or other act. These non-consummated acts are indifferent in themselves and may be licitly performed for a just cause; they become sinful by reason of the evil passion that animates them. The carnal motive appears either from the end of the act (*e.g.*, an indecent kiss naturally tends to impurity or grave danger thereof, no matter what good purpose the kisser may have), or from the end of the one acting (*e.g.*, a decent kiss becomes an impure act if the one who kisses is moved by carnal desire). Hence, there is no sin of lewdness when one of the acts now considered is performed becomingly as to externals and innocently as to the internal motive and quality (*e.g.*, from a sense of duty, not from pleasure).

(c) The pleasure intended or consented to is *venereal*; that is, such as is consummated in copulation or pollution. Hence, there is no sin of lewdness when the acts in question are performed becomingly and with and for pleasure of a spiritual kind (as when members of a family give one another the customary kiss or embrace of affection), or of a merely sensual kind (*e.g.*, when a nurse kisses the tender skin of an infant). On the distinction of intellectual, sensual and venereal pleasures see above (**2461**).

(d) The external act is *not consummated* by copulation or pollution. These are often its result but they are a different degree of sin, and lewdness is committed even without them (see **2486**).

(e) Lewdness is an action *not directed to the conjugal act*. Coition itself is lawful in the married state, and this legitimatizes all the preparatory or accessory endearments. Hence, the rule as to married persons is that venereal kisses and other such acts are lawful when given with a view to the exercise of the lawful marriage act and kept within the bounds of decency and moderation; that they are sinful, gravely or lightly according to the case, when unbecoming or immoderate; that they are venially sinful, on account of the inordinate use of a thing lawful in itself (**85** a), when only pleasure is intended; that they are mortally sinful, when they tend to pollution, whether solitary or not solitary, for then they are acts of lewdness. The rights and duties during courtship and engagement will be treated below in Question III.

**2511. Cases Wherein No Sin Is Committed.**—Since lewdness proceeds from or is accompanied by culpable venereal pleasure, it does not exist in the following cases:

(a) in children who have not attained puberty and the capacity for sex pleasure, and hence there is no sin by reason of proximate danger in looks or touches exercised by them, which would be gravely sinful in those who have reached the age of puberty. These children may, however, sin against modesty or obedience, at least venially. They should be trained from their earliest years to reserve and decency, and it is a most serious sin to scandalize their innocence. The question of sex instruction for the young will be dealt with in the Question on the Duties of Particular States. If an adult person were as unmoved as a child by the stimulus of passion, such a one would incur no personal guilt of lewdness by kissing and the like acts, but such an adult person is very rare;

(b) in adult persons when a dangerous act is exercised by them, without consent or proximate danger, and with a sufficient reason for the exercise. Thus, a student of literature may read an erotic story from the classics, if he is proof against the danger and intends only improvement in style, though for the young such books should be expurgated; a professor of medicine or moral theology may discourse prudently to his students on venereal diseases or sins; an artist may use naked models in painting, if and as far as this is necessary; farm hands may attend to the service of female by male animals; looks and touches that would otherwise be immodest are lawful for proportionate reasons of utility, as in bathing oneself, in performing the services of nurse or physician for others, etc. (see **2497** sqq.).

**2512. Conditions Governing Propriety of External Acts.**—The becomingness of the external acts spoken of in **2510** b includes two conditions.

(a) On the side of its object, the act must not be directed unnecessarily to the parts of the body that are shameful and private (*i.e.*, the genitals and immediately adjacent parts). It is customary to distinguish the remaining or non-shameful parts of the body into becoming, which are uncovered (*e.g.*, face, hands, feet), and less becoming, which are covered (*e.g.*, legs, arms, breast, back). But as to less decent parts much depends on local usage. For example, at a bathing beach it does not seem unbecoming to appear in a mixed crowd with uncovered legs or arms (on the contrary, the sight of bare arms and legs may and often does cause disgust), and in very warm countries it is not improper to go about in public with even less clothing, as is commonly done.

(b) On the side of its subject, the act must be performed with moderation and respect for reasonable custom. Thus, columbine kissing and the ardent or prolonged embraces known as "necking" or "petting" are admittedly indecent, even when not accompanied by sexual excitement. Oral abuse committed by or with either sex is indecent both objectively and subjectively. It is the filthiest form of lewdness, and is usually joined with pollution (irrumation).

**2513. Morality of Kissing and Similar Acts.**—(a) *Per se*, or from their nature, these acts are indifferent, since they can be employed, not only for evil (Job, xxxi. 27; Luke, xxii. 48), but also for good, as we see from the examples of the kiss of peace (I Thess., v. 26), the kiss of fraternal greeting (Gen., xxvii. 26, 27), and the kiss of respectful homage (Luke, vii. 38, 45).

(b) *Per accidens*, or from their circumstances, these acts are often venially or mortally sinful against purity or against some other virtue, or against both. Thus, justice is offended by injuries or violence (*e.g.*, stolen kisses, unhygienic kisses that transmit venereal or other disease); charity is offended by scandal given the object of affection or the onlookers (*e.g.*, kisses given by way of greeting to a member of the opposite sex by an ecclesiastic or religious, kisses forced upon children by grown-ups and which are harmful to the youthful sense of modest reserve); purity itself is offended by familiarities which, though not impure in themselves, constitute a peril for the virtue of one or both parties, as is true especially in demonstrations of sensual affection or pleasure. But even though there be some carnal commotion, it is not unlawful to give with a pure intention the decent salutation customary in one's country (*e.g.*, to shake hands with a lady, to kiss one's stepmother or sister-in-law).

**2514. Morality of Sensual Gratification.**—Sensual gratification, or the pleasure experienced from the perfection in the sensible order of some object, is indifferent and lawful in itself (see **2461, 2492**). When it is aroused by objects not venereally exciting (*e.g.*, the beauty of the heavens or scenery, the harmony of music, the tender softness of the rose), it does not tempt to impurity; but when it is aroused by objects that are venereally exciting (*e.g.*, the beautiful face or eyes or sweet voice or soft skin of a person much admired), it approaches so closely to the confines of venereal gratification as to seem almost the same thing. Hence arises the question: is deliberate sensual gratification about objects sexually exciting always a mortal sin?

(a) Many theologians answer in the affirmative, and give as their reason that in the state of fallen nature there is no one who can be assured that such gratification is not for him or her a proximate occasion of pollution, or of what is morally the same thing, of inchoate pollution. This opinion does not include gratifications not deliberately sought or yielded to, nor those in which experience has shown that the venereal attraction of the object, at least for the subject concerned, is nil or practically nil (*e.g.*, sensual kisses of an infant by a nurse.)

(b) Other theologians dissent from the rigorous view, and argue that, since sensual and venereal attraction are really distinct, there is always the possibility of intending the former and excluding consent to the latter.

(c) To the present authors it seems that there is room for a middle way between these two extreme views. As was said above (**2497**), it is sometimes sinful and sometimes not sinful to encounter temptation, according to the intention and reason one has, and a temptation willed unjustifiably but only indirectly is a grave or a light sin according to the great or small danger that is risked. Now, it seems that certain forms of sexual gratification (*e.g.*, those derived from beautiful but modest music or paintings) have only a very slight sexual allurement for even the passionate; whereas other forms (*e.g.*, those derived from the warm kiss or caress of a handsome adult person of the opposite sex) are vehemently alluring. Hence, if sensual pleasure of the first kind is sought inordinately, or if it is dangerous to purity, there is a venial sin; if sensual pleasure of the second kind is sought, there is very likely mortal sin.

**2515. The Theological Species of the Sin of Lewdness.**—(a) *Per se*, or from its nature, this sin is mortal, even though the external act (kiss, etc.) be decent (see **2512**) and of the briefest duration; for lewdness is consent to unlawful venereal pleasure, which from the nature of the case is a serious matter, tending either to illicit copulation or to pollution (see **2496**). Hence, even a shake of the hand made with lustful intent is a mortal sin. If the guilt of adultery is found even in libidinous thoughts (Deut., v. 21) and glances (Matt., v. 28), much more is it found in lewd kisses, embraces, and conversations. Scripture strongly condemns every form of lewdness: impure speech ("Uncleanness let it not so much as be named among you, or obscenity, or foolish talking," Eph., v. 3, 4), impure reading ("Evil communications corrupt good morals," I Cor., xv. 33), impure looks ("Whosoever shall look on a woman to lust after her hath already committed adultery with her in his heart," Matt., v. 28), impure kisses and other touches ("It is good for a man not to touch a woman, but for fear of fornication let every man have his own wife," I Cor., vii. 1). Pope Alexander VII condemned the doctrine that venereal kisses do not place one in the danger of proceeding to worse things (Denzinger, n. 1140).

(b) *Per accidens*, this sin may be venial as follows: first, on account of the imperfection of deliberation, as when a person under the influence of liquor, drugs or sleep acts with only a partial realization of what he is doing, especially if the lewd offense has not occurred before; secondly, on account of the lightness of the matter, when the lewd act is indirectly voluntary and the danger remote (see **2496**), as when slight danger is risked in gratifying the sensual desire to gaze at a famous painting, or in yielding to an impulse of curiosity, levity, or playfulness, to indulge in suitable recreations or even unnecessary conversations in which occur glances or touches that arouse some small degree of sexual emotion. Were mortal guilt of impurity incurred in these instances, very few could remain free from it unless there was a general retirement into isolation. But even in the *per accidens* cases there may be other mortal sins (*e.g.*, that of drunkenness or of scandal).

**2516.** A large proportion of the sins of lewdness are only indirectly voluntary, and hence they are mortal or venial according to the amount of danger to which one exposes oneself. No ironclad rules, however, can be given to determine universally what things are gravely and what slightly dangerous, since the force and direction of concupiscence are not the same in all persons. Some persons are oversexed or passionate, others are undersexed or cold; some have normal, others abnormal inclinations (*e.g.*, homosexuality, sadism, masochism, sexual fetichism) in matters venereal. Hypersexuality and abnormal sexuality are not in themselves sinful, but are manifestations of that inordinate concupiscence that is the effect of original sin and, if yielded to, becomes the cause of actual sin. Proximately they may be due to disease. But since these subjective differences do exist, what we shall set down in the following paragraphs about gravity and lightness of danger is to be understood of the average or normal person and in the abstract, for it is impossible to consider every individual case.

**2517. Circumstances That Increase or Lessen the Danger of Sin.**—(a) *The Person Acting.*—There is less danger before and after than during puberty, less for an invalid than for a person full of health, less for an inhabitant of a cold region than for a dweller in the tropics, less for one habituated to suppress venereal passion (*e.g.*, a bachelor) than for one who has been accustomed to indulge it (*e.g.*, a widower), less in some cases for the married who can lawfully enjoy sexual intercourse than for the single who cannot. Familiarity also can give a certain amount of immunity (*e.g.*, where naked bathing or naked statuary in public places is according to custom, the natives are less disturbed by these things than outsiders). Those who know (without self-deception) from their experience that certain things excite them very little do not run grave danger in encountering such things.

(b) *The Person or Being Who Is the Object of the Act.*—There is less allurement in an animal than in a human, less in a small than in a large animal, less in a representation than in the original, less in young children than in adults, less in one's own person or sex than in another person or the opposite sex, less in an elderly or homely person than in one who is young and attractive.

(c) *The Sense Used.*—Hearing (and, for a similar reason, reading) is less dangerous than sight, for hearing is nearer to the immanent activities of thought and desire, while sight has more of an emanant character (*e.g.,* to hear or read about an obscene act is farther removed from it, and hence less seductive, than to see it in picture or reality). Sight in turn is less dangerous than touch, for sight is a more elevated and less material kind of perception, being exercised by a cognitional, not by a physical contact with its object, as is the case with touch (*e.g.,* to behold others embrace is not so moving as to give or receive an embrace). Thus, impure touches (kisses, embraces, handling) are the most dangerous form of lewdness.

(d) *The Sense-Object Acted Upon.*—The degree of danger corresponds with the approach made to the act of generation (*e.g.,* smutty stories are worse when they deal with consummated than with non-consummated acts) or to the genitals (*e.g.,* impure touches are worse when directed to the organs of reproduction than to the non-shameful regions).

(e) *The Manner.*—There is greater danger when the act is prolonged than when it is momentary, when it is ardent than when it is calm (*e.g.,* a passing glance or peep at an obscene picture is not as dangerous as a leisurely inspection, a loose linking of arms not as dangerous as a hug). The more exposed the object of attraction and the more secluded the parties themselves, the greater the danger (*e.g.,* love-making between parties who are not fully clothed or who are alone in the dark or in a closed and curtained room is more dangerous than love-making between those who are properly dressed and seated among a crowd of people).

**2518. Cases Wherein the Danger of Sin Is Grave or Slight.**—A physician must know the difference between mortal and non-mortal diseases, and likewise a priest must know the distinction between various kinds of spiritual leprosies. But when certain cases are listed as less dangerous, this does not mean that they are not dangerous at all and that no account should be taken of them. Especially in the matter of impurity should the warning of Scripture be remembered: "He that contemneth small things shall fall by little and little" (Ecclus., xix. 1). With this in mind, we now subjoin some examples of grave and slight danger for cases in which a lewd act is indirectly voluntary, but is prompted only by curiosity, joke, levity or other such insufficient reason.

(a) *Speech.*—Dirty or suggestive stories, conversations, songs, music, or radio entertainments are a grave danger when the persons present are very impressionable (*e.g.*, on account of age or character), or if the topic is utterly vile (*e.g.*, descriptions of filthy or unnatural sex acts), or if the manner is very seductive (*e.g.*, the terms used are unfit for polite society, or the story is very detailed, or sin is boasted about, or the conversation is prolonged). On the other hand, the danger is light when the persons present are of mature age and not strongly inclined to impurity, especially if the topic and the language are not very disgusting; but there may be serious sin on account of circumstances, as when the speaker or approving listener is a person from whom good example is expected. Obscene talk is generally not a serious sin when the persons are husband and wife, or a group of married men or of married women; on the contrary, it is generally a serious matter when the persons are a group of young people of the same sex, more serious when they are a mixed group, and still more serious when they are a boy and a girl or a young man and a young woman. The fact that those of the younger generation often do not admit this, does not change its abiding truth.

(b) *Reading.*—The remarks made on speech apply also to reading, which is a kind of silent speech. A noteworthy difference between the two in the present matter, however, is that reading is often more dangerous than conversation, since it is usually more protracted. Love letters and romances were once the chief temptation in this line, but today they seem mild in comparison with the supply of pornography that is easily accessible to all (*e.g.,* the magazines and papers that pander to depraved tastes, the stories and pseudo-scientific books that corrupt the youth of every land). Even without grave danger to self, one may still be guilty of grave sin in reading obscene books on account of the coöperation with the venders of immorality, or the scandal, or the disobedience thereby shown to the Church (see **1455 sqq., 1529, 1530**).

(c) *Looks.*—There is generally no danger in a look at the full nudity of a small infant, or at the less becoming parts of a person of the same sex; there is generally only slight danger when the object is the privates of self or of another of the same sex, or the coition of animals, unless the gaze be fixed, prolonged and the object near; there is grave danger in beholding a completely non-infant naked person of the opposite sex, or the coition or other grave external sex acts of human beings (unless the glance be brief or not attentive), or even at times the less becoming parts of the opposite sex, if the look is very intent and continuous. Representations of the bodily parts or acts just mentioned (pictures, drawings, diagrams, etc.) have generally the same dangers as the originals, though the allurement in itself is less vivid; circumstances may even make the representations equally or more dangerous (*e.g.,* on account of a thin veil of concealment in paintings or sculpture that only increases the attraction; or on account of the suggestive music, the voluptuous dance, the crowd atmosphere that accompanies an immoral scene on the stage or screen). The saying of Oscar Wilde that esthetics are above ethics is opposed both to morality (since all conduct should be guided by reason) and to art (for the highest beauty is that of virtue and the spirit and purity).

(d) *Touches.*—Kisses are seriously dangerous to purity when warmly or lingeringly exchanged between adults of different sex who are attracted to one another as male and female; in other cases, kisses, if impressed on decent parts of the body and in a decent manner, may be only slightly dangerous. Holding or grasping between such adults is also a serious danger when it is vehement (*e.g.,* the tight squeeze or hug of certain dances) or long (*e.g.,* the repeated or hour-long fondling of love-makers); it is of slight or no danger in other cases, as in the customary handclasp of greeting. Handling or feeling, if passing, hurried or light, is generally not dangerous, when it has to do with the becoming parts of another person, or with the less becoming parts of a person of the same sex, or with personal private parts; it is only slightly dangerous, under the same conditions, in reference to the verenda of animals or small infants; it is gravely dangerous when directed to the privates of another person who has passed infancy, or to the less becoming parts of a person of opposite sex, or to the breasts of a woman, unless it be entirely casual, passing, or light. Tactile contact made under the clothing is of course more dangerous than that which is external.

**2519. The Moral Species of Lewdness.**—(a) Theoretically, it is more probable that the imperfect sins of impurity do not differ from the perfect sins to which they tend; for the natural circumstances or antecedents of an act have really the same morality as the act itself (see **2486**). In the physical order, the fetus, the infant, and the child do not differ essentially from the full-grown man; and likewise, in the moral order, the thought, the purpose and the external beginning do not differ essentially from completed murder, even though for some reason the act be not finished. Hence, immodest words, reading, looks and touches belong to fornication, or adultery, or incest, or sodomy, according to their tendency (*e.g.,* to read an immodest love story with another man's wife and to kiss her is incipient adultery, and, if the guilty person has a vow of chastity, it is also sacrilege). But the species is taken only from the object, not from the purely accidental circumstances, such as the elicitive faculty (*e.g.,* an immodest look at another does not differ essentially from an immodest touch) or the intensity (*e.g.,* incomplete pleasure in touches by one who has not attained puberty does not differ essentially, according to some, from the completed pleasure of which he is capable). Moreover, it seems that, in regard to looks if not as regards touch, abstraction (see **2506**) is easily made by the guilty person from various circumstances; for example, one who looks immodestly on a person consecrated to God, may be thinking only of his unlawful love for a person of the other sex, and so may be guilty of incipient fornication, but not of sacrilege, or he may be thinking, without any affection for the other person, only of his own pleasure, and so may perhaps be guilty only of incipient pollution. A less probable opinion makes lewdness a species of sin distinct from pollution and the other consummated sins.

(b) Practically, penitents should confess that their sin was indecent and not completed lust (such as pollution), and they should also confess whether the lewdness was committed by speech, reading, looks, kisses, embraces, or touches; and also the object of the sin, whether male or female, whether married or single, relative or non-relative, etc. Otherwise, since few penitents know how to distinguish the moral species of sins, there will be great danger of incomplete confessions; and, moreover, the additional sins usually committed in cases of lewdness (*e.g.,* scandals, injustices, and bad company keeping) will not be disclosed. If a consummated sin of fornication, pollution, etc., followed the indecency, this consummated sin should be confessed distinctly. Similarly, those who expose, incite or tempt others to impure thoughts or to lewdness in word, reading, looks, kisses or touches, should confess the kind of sin they intended (see **1497**), even though their purpose failed, whether it was incipient fornication, sacrilege, sodomy, etc. But some authors admit a generic confession (in which the penitent merely states that he sinned mortally or venially, as the case was, by indecency), if the lewdness was solitary, or was committed with another but certainly without scandal or lustful desire of the other person.

**2520. The Consummated Sins of Impurity.**—There are in all seven species of completed acts of impurity.

(a) Thus, some sins of impurity are against reason because they do not observe the ends of sexual intercourse. These ends are, first, the begetting of children (to which is opposed unnatural impurity), and, secondly, the rearing of children (to which is opposed fornication).

(b) Other sins of impurity are against reason because they violate a right of the person with whom intercourse is had (incest), or of a third party to whom that person belongs. If the third party is injured in conjugal rights, there is adultery; if in parental rights, there is defloration or rape, according as the injury is done without or with force; if in religious rights, there is sacrilege. This second category of sins is classed under impurity rather than under injustice, because the purpose of the guilty person and his act belong to venereal sin.

**2521. Comparative Malice of the Sins of Consummated Lust.**—(a) In the abuse of an act the worst evil is the disregard of what nature itself determines as the fundamentals upon which all else depends, just as in speculative matters the worst error is that which goes astray about first principles. Now, the prime dictates of nature as to sexual intercourse are that it serve the race and the family. Hence, the sin of unnatural lust (which injures the race by defeating its propagation) and the sin of incest (which injures the family by offending piety) are the worst of carnal vices.

(b) In the abuse of an act a lesser evil is that which observes the natural fundamentals, but disregards what right reason teaches about things secondary, in the manner of performing the act. But reason requires that in sexual intercourse the rights of the individual be respected. A most serious violation of individual right is adultery, which usurps the right of intercourse belonging to another; next in gravity is rape, which violently seizes for lust a person under the care of another or undefiled; next is defloration, which trespasses on the right of guardianship, or removes bodily virginity, but without violence; last among these sins is fornication, which is an injury done not to the living, but to the unborn.

**2522. Multiplication of Sins of Lust.**—The various kinds of lust may be combined in one and the same act, as when unnatural vice (*e.g.,* sodomy) is practised with a relative (incest). Sacrilege, of course, aggravates every other kind of carnal sin, and thus there is sacrilegious sodomy, sacrilegious adultery, sacrilegious incest, etc.

**2523. Fornication.**—Fornication is the copulation of an unmarried man with an unmarried woman who is not a virgin. (a) It is *copulation,* or sexual intercourse suited for generation of children. Thus, it differs from lewdness, which consists in unconsummated acts, and from sodomitic intercourse, which is consummated but unsuited for generation. Onanism is an aggravating circumstance of fornication, or rather a new sin of unnatural intercourse. (b) It is committed by *unmarried persons,* and thus it differs from adultery. (c) It is committed *with a woman,* and is thus distinguished from sodomy. (d) It is committed with a woman *who is not a virgin,* and thus differs from seduction and rape.

**2524. Sinfulness of Fornication.**—It is of faith that fornication is a mortal sin. (a) Thus, it is gravely forbidden by the divine positive law. Hence, whores and whoremongers are an abomination to the Lord (Deut., xxiii. 17); fornicators are worthy of death (Rom., i. 29–32), they shall not enter the kingdom of God (Gal., v. 19–21; Eph., v. 5; Heb., xiii. 4; Apoc., xxi. 8). The Fathers teach that fornication is a grave crime (St. Fulgentius), and that it brings condemnation on the guilty person (St. Chrysostom). The declarations of the Church on the evil of this sin are found in the Council of Vienne and in the censures of Alexander VII and Innocent XI (Denzinger, nn. 477, 1125, 1198).

(b) Fornication is gravely forbidden by the natural law. For it is seriously against reason to cause an injury to the entire life of another human being; but fornication does this very thing by depriving the unborn child of its natural rights to legitimacy, to the protection of both parents, and to education in the home circle. True, in some cases there may be no prospect of a child, or there may be provision for its proper rearing; but these cases are the exception, since fornication from its nature tends to the neglect of the child, and the morality of acts must be judged, not by the exceptional and accidental, but by the usual and natural. Those who commit fornication are thinking of their own pleasure rather than of duty, and will generally shirk the difficult burdens of parenthood. Society also would be gravely wounded if unmarried intercourse were at any time lawful. Hence, St. Paul reproves the pagans, though ignorant of Scripture, for their sins of fornication (I Cor., vi. 9–11; Eph., v. 1–6), since reason itself should have taught them the unlawfulness of this practice. It seems, though, that invincible ignorance of the wrong of fornication is possible among very rude or barbarous people, since the injury to the neighbor does not show itself so clearly in this sin as in many others.

**2525. Fornication Compared with Other Sins.**—(a) It is less serious than those that offend a divine good (*e.g.,* unbelief, despair, hatred of God, irreligion), or human life (*e.g.,* abortion), or the human goods of those already in being (*e.g.,* adultery). (b) It is more serious than sins that offend only an external good (*e.g.,* theft), or that are opposed only to decency in the marriage state (*e.g.,* unbecoming kisses of husband and wife).

**2526. Circumstances of Fornication.**—(a) Circumstances that aggravate the malice are the condition of the person with whom the sin is committed (*e.g.,* that the female is a widow, or the employee of the man, or his ward, or a minor).

(b) Circumstances that add a new malice to fornication are of various kinds. Thus, *previous* circumstances are the distinct desires of the sin entertained beforehand, the solicitation and scandal of the other party or parties with whom the sin was committed; *concomitant* circumstances are the quality of the persons (*e.g.,* fornication is sacrilegious if one of the parties is consecrated to God, and also, according to some, if one party is a Christian and the other an infidel; it is unjust if one of the couple is betrothed to a third party), or the quality of the act itself (*e.g.,* if it is performed onanistically, though pollution may be excused if it results accidentally from the good purpose to discontinue the sinful act); *subsequent* circumstances are injury done to the partner in sin (*e.g.,* by refusal to pay the support or restitution due) or to the offspring (*e.g.,* by exposure, abortion, neglect).

Whether the fornication of an engaged person with a third party is a distinct species of sin is disputed. (a) According to some, it is a distinct species, or at least a form of adultery on account of the infidelity. (b) According to others, it is a distinct species if the guilty party is the woman, but not if it is the man, for the infidelity of the former is a far more serious matter than the infidelity of the latter. (c) According to still others, it is never a distinct species, since engagement to marry is a dissoluble agreement and the injury to the contract is therefore not a notable one. In this last opinion the manner of the sin is an aggravating circumstance, not a distinct species that has to be declared in confession.

**2527. Forms of Fornication.**—There are three special forms of fornication, which are all the same essentially, but which differ accidentally in malice or in results.

(a) Thus, ordinary fornication is that which is committed with a woman who is neither a harlot nor a concubine. This sin is in itself the least grave of the three, since it is not so harmful as whoremongering, nor so enduring as concubinage. Ordinary fornication also has its degrees of bad and worse: thus, engaged persons who sin together habitually are worse than those who sin only occasionally, and circumstances such as artificial onanism and abortion add to the guilt.

(b) Whoremongering is fornication committed with a harlot, that is, with a woman who makes a business of illicit intercourse and hires herself out for pay to all comers. Rarely does a harlot choose her life from passion or love, but is dragged in by white slavers, or enters from poverty, or after disgrace, or the like. This sin is worse than ordinary fornication from the viewpoint of propagation, since few harlots become mothers. But its most dire consequences are visited on the guilty persons themselves and on society: for the life of a prostitute is a most degrading slavery; to her patrons she communicates the most terrible diseases, which are then carried to innocent wives and children, and to the innocent she often becomes a cause of ruin, seeking her trade in the streets and public places. Today, according to reliable newspaper reports, many men and women have become rich in the terrible business known as the white-slave traffic. This horrible abuse has grown into a vast international machine which is efficiently organized, and which profits not only from prostitution, but from many other kinds of crime. The patrons of brothels, therefore, coöperate with the crying injustice that is often done the fallen woman, and with the criminals who destroy souls and bodies for their own advantage.

(c) Free love is fornication committed with one's concubine, that is, with a woman who is not a public harlot but who has contracted with one man for habitual sexual intercourse as if they were man and wife. According to reports, this is quite common in Europe, where lawful marriage is very often preceded by free unions. The trial marriage advocated by some in this country, in which paramours agree to live together as husband and wife for a certain term of years or at pleasure, also falls under the category of concubinage. This sin is worse than mere whoremongering in one respect, namely, that it includes the purpose to continue in the state of sin, at least for a certain length of time. Moreover, there is often the public scandal and contempt for public opinion which other kinds of fornication may be free from. One who practises concubinage is living in a proximate occasion of sin, and hence he cannot be absolved unless he dismisses the concubine, if they cohabit, or agrees to keep away from her, if they do not cohabit.

**2528. The State and Places of Prostitution.**—It is clear that civil government has no right to support or provide places of prostitution, or to give permission for its practice, since fornication is intrinsically evil. But what should be said of toleration or license given to prostitutes by the public authority?

(a) Theoretically, the civil power has the right to give toleration or license; for, if the common welfare will suffer from a greater evil unless a lesser evil is suffered to go on, the lesser evil should be endured, and it is certain that there are greater evils than prostitution (such as rape and unnatural crimes of lust).

(b) Practically, the question is open to dispute. Older moralists held that toleration was actually more beneficial to the common good than suppression. But under the conditions of the present time many moralists think it is a mistake to give any recognition to prostitutes, and much less to houses of prostitution. Even in large cities, where alone the license could be beneficial, the purposes of toleration are not fulfilled; for the moral evil seems to be greater, since an appearance of legality is given to prostitution, its practice is facilitated, its habitats become dens of every kind of iniquity, and the purpose of segregation is not realized; the physical evils also are not lessened, but perhaps increased, for even with medical inspection of prostitutes, syphilis and gonnorrhea, two of the worst scourges of humanity, cannot be prevented.

**2529. Defloration and Rape.**—Defloration and rape are distinct species of lust, for each of them in its very concept includes a special and notable deformity not found in other species of impurity.

(a) Defloration is unlawful carnal knowledge of a woman who is virginal in body (**1488** a). It has the special deformity of depriving the woman of the physical integrity that is most highly prized among all the unmarried of her sex, or at least of her own self-respect, and of setting her on the way to become a strumpet rather than an honorable wife or spinster. Some authors do not consider defloration a special sin unless it is done by violence, or unless injury is done the parental right over the virgin; and even the authors who consider unforced defloration a special sin hold that the new or additional malice in it is slight and venial, and therefore not a necessary matter of confession. The first sin of fornication by a male is not a special sin, because the consequences are not so serious for the man as for the woman, but of course seduction is always a special sin, whether the injured party be male or female.

(b) Rape is physical or moral coercion (*i.e.*, force or fear) employed against any person (male or female, married or single, pure or corrupt), or against his or her guardians, to compel him or her to an act of lust. It has the special deformity of inflicting bodily injury on the person ravished. The sin of rape should not be confused with the canonical crime of rape, which consists in abduction, and which is an impediment to marriage (Canon 1074); nor with seduction, as when an innocent person is deceived into believing that an act of impurity is lawful, or is tricked into sin by false promises of marriage. Equivalent to rape is the carnal knowledge of a person drugged, hypnotized, or otherwise unconscious, or the seduction of an infant. A person who is ravished is obliged to deny all consent internally, and to resist or make outcry when this is possible (see **2497** a).

**2530. Adultery.**—Adultery is also a distinct species of lust.

(a) *Definition.*—Adultery is sexual intercourse with the husband or wife of another. If the sin is committed only in desire, there is mental adultery; if the paramours allow themselves unlawful familiarities without intercourse, or if a married person is guilty of solitary lust, there is imperfect adultery.

(b) *Sinfulness of Adultery.*—Adultery is a grave sin, since it is an act of impurity and is expressly forbidden in the sixth commandment (Exod., xx. 14), and is classed among the sins that exclude from the kingdom of heaven (I Cor., vi. 9, 10). It is a special sin, because it is a violation of the faith pledged in the contract and Sacrament of Matrimony, and an injury to the right of one's spouse and of the conjugal state (Matt., xix. 5; Rom., vii. 3; I Cor., vii. 39). Even though a husband gives his wife permission to commit adultery or vice versa, the injustice remains, for though the individual is not formally injured, the married state is injured, since no married person has the right to give a permission opposed to the sacredness of the marriage vows (Denzinger, n. 1200).

(c) *Degrees of Malice.*—There are three degrees of malice in adultery. The first is that in which a married man sins with a single woman; the second that in which a married woman sins with a single man; the third that in which a married man sins with another man's wife. The second is worse than the first, on account of its consequences (*e.g.,* sterility, uncertainty of paternity, rearing of an illegitimate child in the family); the third is worse than the second, because in addition to the consequences just mentioned, it contains a double injustice (*viz.,* unfaithfulness to an innocent wife and unfaithfulness to an innocent husband), and it multiplies the sin. If an adulterer's husband or wife is also unfaithful, the injustice is lessened, but not removed; for not merely the two married persons are to be considered, but also the children, the family, society, and God; and the wrong done by one of the parties does not take away the right to fidelity pledged absolutely to all of these in marriage.

(d) *Effects.*—The party whose marriage rights have been injured by adultery was permitted under some former civil codes to kill a wife taken in adultery. But such laws were against justice and charity: against justice since no guilty person should be put to death unheard, and no injured person should be judge and accuser in his own case; against charity, since by such summary vengeance the adulteress would be sent to death in the midst of sin and without opportunity for repentance. The remedies of Canon Law for the innocent spouse will be noted below (**2542**).

**2531. Incest.**—Incest is impurity committed with a person related to one within the degrees in which marriage is forbidden.

(a) It is *impurity,* internal or external. Internal desires are mental incest, while external unconsummated (*e.g.,* kisses) or consummated (*e.g.,* intercourse) acts are actual incest.

(b) It is committed *with a relative,* that is, with a person, male or female, who is near to one by the tie of common ancestry (blood relationship, kinship, consanguinity), or of marriage to one's kin (marriage relationship, affinity), or of sacramental administration (spiritual relationship), or of adoption (legal relationship). Aliæ species cognationis non pertinent ad incestum, sed novam aliquam malitiam possunt tribuere; v.g., si partes sunt parochus et parochiana, confessarius et pœnitens, habetur scandalum, seductio.

(c) The relationship is *within the canonical degrees.* Thus, marriage between blood relatives is forbidden in all degrees of the direct line (*e.g.,* as to all female ancestry and posterity of a man) and in the first three degrees of the collateral line, which includes, for a man, his sisters, nieces, grandnieces, aunts, first and second cousins, grand aunts and their daughters and granddaughters. Marriage between those who are relatives-in-law is forbidden in all degrees of the direct line (*e.g.,* as to wife's mother, daughter, etc.) and in the first two degrees of the collateral line (*e.g.,* wife's sister, first cousin, aunt or niece). Spiritual relationship which is impedient of marriage exists between a person baptized and his baptizer, and also between the god-child and the god-parent in baptism. Legal relationship exists between the adopter and the adopted, when and as the civil law makes it a bar to marriage.

(d) Incest is committed within the *forbidden* degrees, and hence if a dispensation from an impediment of relationship had been granted to parties about to marry, a sin between them would not be incestuous.

**2532. Incest as a Distinct Species of Sin.**—(a) There is a specific distinction between incest and other forms of lust, since incest violates not only purity, but also the piety and respect due each other by those who are so closely related as to be unable to contract a lawful marriage. Nature itself abhors this sin; for, apart from the exceptional cases in which a dispensation is given, even lawful marriage with near relatives would be an incentive to many sins before marriage and would prevent the widening circle of friendships between mankind which marriage with non-relatives produces, and would cause a physical and mental enfeeblement of the race. In Scripture incest is spoken of with peculiar horror as a nefarious deed deserving of death (Lev., xx. 11 sqq.), and as an act unworthy even of pagans (I Cor., v. 1 sqq.).

(b) There are three distinct sub-species of incest, namely, natural incest (between kin by blood or marriage), spiritual incest (between the baptized and his baptizer or god-parent), and legal incest (between persons who are kin in virtue of a marriage-impeding adoption). The first violates piety due to natural origin, the second that due to spiritual origin, and the third that due to legal origin. And in each species the nearer the relationship, the greater the sin (*e.g.,* incest with a sister-in-law is less than that with a sister, incest with a sister is less than that with a mother).

**2533. Carnal Sacrilege.**—Carnal sacrilege is the violation by an act of impurity of the sacredness of a person, place or thing.

(a) It is a *violation of sacredness,* and thus it is a special sin, adding irreligion to lust (see **2308 sqq.**).

(b) It is *an act of impurity,* internal or external, consummated or non-consummated. The impurity, however, must be so related to that which is sacred as to treat its sanctity with injury or contempt (formal disrespect), and there is no sacrilege if the impurity is associated with something holy in such a way as not to show any notable irreverence (material disrespect).

(c) Its first species is *personal sacrilege,* and it is committed by a sacred person (see **2309**) when he is impure internally or externally, or by a non-sacred person when in desire or act he commits impurity with a sacred person. If two sacred persons sin together, there is a double sacrilege, which multiplies the sin.

(d) Its second species is *local sacrilege,* and is committed when an impure act is done in a sacred place (**2311**) in such a way as to show formal disrespect. Hence, consummated acts done in a church are sacrilegious, and the same is probably true of non-consummated acts, at least if they are of an enormous kind (*e.g.,* a lascivious dance), and even of internal desires to sin in the sacred place. But impure thoughts or passing glances of prurient curiosity in a church are not sacrilegious.

(e) Its third species is *real sacrilege,* and it occurs when impurity is committed in such a way as to show formal disrespect to a sacred object (**2311**). Hence, there is sacrilege of this kind when one commits impurity immediately after Communion, or when one uses the Sacrament of Penance as a means to solicit impurity. But the fact that a person commits impurity while wearing a scapular is not sacrilegious, unless contempt for the scapular was intended.

**2534. Unnatural Lust.**—Worst among the sins of impurity, as such, are crimes of unnatural lust, for they exercise the sexual act, not only illicitly, but also in a manner that defeats its purpose of reproduction. In some non-venereal respects, however, natural sins of impurity may be worse than the unnatural; for example, adultery is worse as regards injustice, sacrilegious lust as regards irreligion, etc. There are four distinct species of unnatural impurities—pollution, unnatural coition, sodomy, bestiality (see Denzinger, n. 1124).

(a) For procreation nature requires copulation, and hence pollution is unnatural, for it exercises semination without copulation, either alone (self-abuse, solitary vice, masturbation) or with another (softness).

(b) For procreation nature requires proper copulation, that is, one that will permit of a fertile union between the two life elements, the sperma and the ovum. Hence, unnatural coition does not comply with this necessity, for it does not employ the proper organ of sexual union, substituting rectal for vaginal intercourse, or else by some form of natural or artificial onanism it frustrates the act of its destined conclusion. This sin is worse than pollution, since pollution omits to use intercourse, whereas unnatural coition positively abuses it.

(c) For procreation nature requires heterosexual intercourse, a condition disregarded by sodomy, which is the lustful commerce of male with male (pederasty, uranism), or of female with female (tribadism, sapphism, Lesbian love). This sin is worse than unnatural coition, for it is a greater perversity to neglect one of the two needed life elements than to neglect the right process for their union (see Gen., xix. 24, 25; Lev., xx. 13; Rom., i. 26, 27).

(d) Finally, for procreation nature requires homogeneous intercourse, a law violated by bestiality, which is coition of a human being, male or female, with a brute animal. This is the worst of unnatural impurities, since it sins against the most fundamental condition for the sexual act, namely, that the participants be of the same nature (see Lev., xx. 15, 16). Similar to bestiality is the crime of necrophilism (intercourse with a corpse).

**2535. Pollution.**—Pollution is the voluntary emission of semen apart from coition.

(a) It is an *emission,* that is an external discharge. The internal secretion in the so-called female semination is also included by many under the head of pollution. The carnal motions spoken of in **2497** b are a preparation for pollution.

(b) It is a discharge of *semen,* that is, of the male fluid that fertilizes the female ovum. But equivalent pollution, from the moral viewpoint, is found in the discharge of certain non-prolific fluids that are accessory to generation or that produce in their movement a venereal satisfaction, such as the vaginal fluid in females (female semination), the urethral fluid in males capable or incapable of procreation (distillation). There is no pollution, however, in natural discharges such as menstruation and urination.

(c) It is *apart from coition,* and thus it differs from other consummated sins. But pollution may be committed either alone (solitary vice), or with another, and in the latter case it pertains reductively to adultery, fornication, sodomy, etc., as the case may be.

(d) It is *voluntary* directly or indirectly: directly, when one intends it as an end (*e.g.,* for the sake of the pleasure) or as a means (*e.g.,* as a relief from temptation or bodily itching, to obtain a specimen of semen for medical diagnosis); indirectly, when one unjustifiably does something from which one foresees that pollution will result. In all these cases pollution is formal or sinful, and it is not to be confused with material or natural pollution, which is a discharge of semen or distillation that is involuntary or unimputable.

**2536. Cases of Material or Non-Sinful Pollution.**—(a) Involuntary pollution is passive or active. The former happens even when one is awake. It is evoked by such slight causes as physical movement and exertion, and is unaccompanied by pleasure; when habitual, it is a disease due to organic debility

The latter happens during sleep, and may be caused by a superfluity of fluid. It is accompanied by pleasure and often by libidinous dreams. It is a means used by nature to relieve the system, and is therefore healthful and beneficial, unless the discharges are too frequent (*e.g.*, nightly). There is no obligation of repressing the continuance of a pollution that began involuntarily during sleep, since it may be regarded as an act of nature; but consent must be withheld (**2498 sqq.**). Moreover, if merely natural pollution be considered, not as to its venereal gratification but solely as to its good effects (*e.g.*, that it ends a temptation, that it benefits the mind or the health), there is no sin in rejoicing at its accomplishment or in desiring its fulfillment, provided nothing is done to produce it and the intention is good; for then the object of the will is indifferent and the end is good.

(b) Unimputable pollution is caused by a lawful act from which one foresees that pollution will ensue, there being no proximate danger of consent to sin, and the pollution being only permitted, and that for a proportionately grave reason.

**2537. Unimputable Pollution.**—In reference to unimputable pollution the following distinctions should be noted:

(a) the danger risked by an act may be either of formal pollution (*i.e.*, with consent to sin) or of material pollution (*i.e.*, without consent to sin);

(b) the danger of pollution is either proximate or remote, the former being that from which pollution naturally and usually results and the latter that from which it does not naturally or usually result. Remotely dangerous are acts of a non-venereal kind, such as horseback riding, gymnastics, smoking, drinking alcoholic beverages, and also acts of a sexual kind that are only mildly exciting, such as conversations or books that are slightly ''off color'' when the parties are of mature age (see **2517, 2518**). Proximately dangerous are acts of a venereal kind that notably inflame passion, such as warm and lingering kisses between persons of opposite sexes (see **2517, 2518**);

(c) the reason for running the danger of pollution is either grave, serious, or slight. A grave reason is real necessity (*e.g.*, the removal of disease or pain or of a very painful or troublesome itch due to the blood or disease) or great utility (*e.g.,* the preservation of health, cleanliness of body); a serious reason is an important convenience of soul or body (*e.g.,* the exercise of common politeness, the enjoyment of reasonable comfort); a slight reason is one in which none of the mentioned motives is found (*e.g.,* the satisfaction of an idle curiosity, the removal of a trifling irritation or itch).

**2538. Proximate and Remote Occasions of Pollution.**—It is never lawful to expose oneself to the immediate danger of sin, for he who loves the danger loves the sin (see **258, 260**); but if one uses means to make the danger remote, one may lawfully encounter it for a good reason (see **258, 260, 261**). It is lawful to permit an evil effect when there is sufficient justification according to the principle of double effect (see **103 sqq.**).

(a) Hence, if there is proximate danger of formal pollution (that is, of consent to sin), no reason excuses an act even of a non-sexual kind, such as horseback riding. But if the act is necessary, the danger must be made remote by the use of special means, such as prayer, firm resolves, etc. (see **2497 sqq.**).

(b) If there is proximate danger of material pollution, a grave reason suffices (*e.g.,* the care of patients by physicians and nurses, assistance of bathers by attendants, warm soporific drinks taken for the sake of sleep).

(c) If there is remote danger of material pollution, a serious reason suffices (*e.g.,* customary salutations of the country, physical exercises, moderate comfort in posture, seasoning in food, a smoke before retiring). A slight reason may excuse at times from mortal sin (*e.g.,* unnecessary curiosity about the sciences of anatomy or sexology).

**2539. The Theological Malice of Sinful Pollution.**—(a) From its nature pollution is a mortal sin, because it is an act of impurity (**1494**) and a perversion of nature (**2534**). Moreover, its consequences are most injurious to society (it tends to self-indulgence and the avoidance of the burdens of marriage) and to the individual (when habitual, it weakens mental and will power and often brings on a breakdown of bodily vigor especially among young people). In Scripture it is represented as gravely illicit (I Cor., vi. 10; Gal., v. 19; Eph., v. 3). Hence, pollution is always a mortal sin when directly willed (*e.g.*, when practised deliberately in order to be rid of a temptation or of bodily irritation or itch certainly due to superfluity of semen or to passion), and also when indirectly willed if there is proximate danger of consent to sin (*e.g.*, when one who has always committed formal pollution in certain company goes into that company without necessity, or without use of means to prevent a fall) or grave danger of pollution and no sufficient reason for permitting it (*e.g.*, undue familiarities from which nocturnal pollution is foreseen as most probable).

(b) From the imperfection of the internal act, pollution is sometimes only a venial sin. This happens in case of invincible ignorance (*e.g.*, young children who do not understand the evil of masturbation, students who have been taught by instructors or physical directors that it is necessary for health or that it is unsanitary but not sinful), or of incomplete consent (*e.g.*, when the person is only half awake and does not ordinarily desire pollution, when he is a psychopathic and not fully responsible for his acts).

(c) From the lightness of the matter pollution is venial when willed indirectly and permitted without sufficient reason, if there is only slight danger of it from the nature of the action performed (see **2496**). Examples are the reading for pastime of love stories before falling asleep with the prevision that this may possibly bring on pollution during sleep, or the smoking of too much tobacco with the foreknowledge that pollution will probably result.

**2540.** If the action productive of pollution is gravely illicit, as being seriously opposed to chastity (*e.g.*, lewdness) or to some other virtue (*e.g.*, extreme intemperance in drugs, tobacco or alcohol), is one thereby guilty of a grave sin of pollution?

(a) If the case be considered in the abstract, the answer is in the negative. For if the action in question is only remotely dangerous as regards pollution (*e.g.*, an action of a non-venereal kind such as intemperance does not necessarily tend to impurity, an act of a venereal kind that is momentary, such as a desire, does not strongly affect the passions), the sin is only venial in so far as pollution is concerned (see **2517, 2518**).

(b) If the case be considered in the concrete, the answer is in the affirmative as a rule when there is question of a habit. For generally those who act habitually in this way yield consent to the pollution as well as to the sin that precedes. Authorities note, however, that he who repents of the cause of pollution before the pollution results is not guilty of the actual pollution.

**2541. The Moral Species of Sinful Pollution.**—(a) The general species of pollution is distinct from other consummated sins of impurity, since it is unnatural, and this in a special way (see **2534**, and Denzinger, n. 1124). But some authors regard equivalent pollution (see **2493, 2535**) as not a consummated sin, since it is without true semination, and hence according to them it may be confessed simply as impure pleasure (see **2519** b).

(b) The particular species of pollution is derived from circumstances that give it a new essential malice. If it is solitary, and committed by one who is under no bond of marriage or vow, and accompanied by no thought or desire except in reference to self or self-gratification (autoerotism, narcissism), there is the single sin of pollution. But there are other sins if it is committed by one under special obligation (*i.e.*, adultery or sacrilege), or if committed with another person (*e.g.*, seduction, coöperation, rape), or if committed with impure thoughts or desires about others (*e.g.*, mental adultery, fornication, sodomy, bestiality). The manner in which pollution is performed (*e.g.*, whether coöperative pollution is active or passive, by irrumation or concubitus or touch, with or without an instrument) is *per se* an accidental circumstance. According to some authors, coöperative pollution brought on by touch alone is not diversified in species, if there is no special affection for the other person, but only the desire of carnal gratification, and hence it may be declared simply as pollution from touch.

**2542. Penalties for Immorality Decreed in Canons 2357–2359.**—(a) Laymen who are guilty of certain offenses against the sixth commandment become infamous on conviction and are excluded from legitimate ecclesiastical acts. In case of adultery, the injured spouse may obtain a separation, temporary or perpetual, from the offending spouse (Canon 1129). (b) Clerics in minor orders are subject to special punishments, and may even be dismissed from the clerical state. (c) Clerics in major orders are subject to penalties named in law (*e.g.*, suspension, infamy, deposition) for graver crimes such as concubinage, adultery, and to penalties decreed by the lawful superior for other delinquencies.

**2543. The Potential Parts of Temperance.**—The appetites of pleasure are the most difficult to restrain, and there is need of a perfect virtue like temperature to rule over them and keep them within the bounds of reason. The analogous or potential virtues of temperance are that one which is able to check, though it does not tame, the animal appetites (continency), and those that preside and rule over the less violent appetites for vengeance, exercise of authority, superior excellence, knowledge, amusement and display (meekness, etc.). See above, **2465** c.

**2544. Continence.**—(a) *Its Nature.*—This quality, as here taken, is the state of one who has not gained mastery over the passions sufficient to keep down strong, frequent and persistent rebellions, but whose will is firmly disposed to resist their attacks. It is less than a moral virtue, then, since it does not tranquillize the lower appetites. The temperate man has already subdued his passions, and hence he is less disturbed by them, or at least he has less trouble in rejecting their onsets.

(b) *Its Relation to Temperance.*—Greater difficulty increases merit, if it is due to the presence of a corporal or external impediment (*e.g.*, a man of sickly constitution or one who suffers great opposition deserves more credit for his work than a man of vigorous constitution or one who enjoys great favors and opportunities); not, however, if it is due to the absence of a spiritual excellence (*e.g.*, a man who finds work hard because he is lazy does not deserve more credit than another who finds it easy because he is industrious). Hence, temperance is more deserving than continence, for it controls passion with greater ease simply because it has subjected not only the higher but also the lower appetite to the dictates of reason.

(c) *Its Opposite.*—The vice opposed to continence is incontinence, which does not follow the dictate of reason to resist the onslaughts of passion; it sees and approves the higher things, but it follows the lower. This sin is less grievous than intemperance, just as a passing indisposition is less harmful than a settled malady. For passion comes and goes, and the incontinent man quickly regrets his weakness; but a sinful habit of gluttony or impurity is permanent, and is so like a second nature that its votaries rejoice when they have satisfied their desires (Prov., ii. 14). Incontinence in pleasure is more disgraceful than incontinence in anger, for anger is less distant from reason; but on the other hand the irascible man usually sins more grievously by the greater harm he does to others. It is more difficult to contain oneself from wrath than from intemperance in the sense that wrath storms the soul by a more vehement and compelling attack; yet, it is harder to be unconquered by pleasure, because it lays persistent siege to the soul and demands a more unwearied vigilance.

**2545. Meekness.**—Meekness or mildness is the virtue that moderates anger.

(a) It is a *virtue,* since it consists in moderation according to right reason. Our Lord proclaims it blessed (Matt., v. 4), and St. Paul numbers it among the Fruits of the Spirit (Gal., v. 23). Illustrious models of mildness are Joseph (Gen., l. 20), Moses (Num., xii. 3), David (I Kings, xxiv), Christ (Luke, xv; John, i. 29, viii. 11), St. Paul (Acts, xx. 31).

(b) Its office is *moderation,* and hence in its manner, though not in its matter, it is like temperance. It follows the middle way between the extremes of sinful indignation and sinful indulgence.

(c) Its matter is the passion of *anger,* that is, the sensitive appetite that inclines one to avenge an evil by punishing its author. Like other passions (**121**), anger is indifferent in itself, but it is made good or evil by its reasonableness or unreasonableness. The meek man is angry at times, but only when and where and as he should be (Ps. iv. 5); his anger is not a blind impulse, but a righteous zeal that attacks a wrong only after reason has shown that this is the proper course.

**2546. Anger.**—Anger is sinful when it deviates from reason, as to its matter or its manner.

(a) Thus, it is unreasonable as to its matter (*i.e.*, its vengeance) when it punishes unjustifiably (*e.g.*, when the person punished is innocent, when the penalty is excessive, when the legal order is not followed, when the motive is not justice or correction, but hatred, etc).

(b) It is unreasonable as to its manner (*i.e.*, the degree of excitement felt or shown) when temper goes beyond measure. Great anger is not sinful when a great evil calls for it (*e.g.*, the anger of Our Lord against the money-changers in John, vi. 14 sqq.; that of Mathathias against the idolatrous Jew in I Mach., ii. 24); but to fly into a rage at nothings or trifles is sinful.

**2547. Gravity of the Sin of Anger.**—(a) If anger is sinful on account of its matter, it is mortal from its nature as being opposed to charity and justice. He that is angry against his brother is worthy of hell fire (Matt., v. 21, 22). It may be venial, however, on account of imperfection of the act (*e.g.*, the sudden impulse to strike down those who do not agree with one's opinions) or the lightness of the matter (*e.g.*, a slap or push or box on the ears given a naughty child when a word of reproof would have sufficed).

(b) If anger is sinful on account of its manner, it is venial from its nature; for excess in an otherwise indifferent passion is not a serious disorder (see **2450**). But the sin may be mortal by reason of circumstances, as when an angry person acts like a wild man, curses and swears, breaks the furniture, gives serious scandal on account of his position, or the time or place, or injures his health by the violence of his paroxysm.

**2548. Is Anger a Graver Sin than Hatred and Envy?**—(a) As to its matter, anger is less grave than hatred and envy, for it pursues evil under the guise of spiritual good, pretending at least that the harm it intends is just, whereas hatred and envy pursue evil precisely as it is injurious to another, or as it is a means to one's own temporal and external good or glory. Likewise, anger is less grave objectively than concupiscence, for the voluptuous man aims at utility or pleasure, whereas the revengeful man aims at what he makes believe is just.

(b) As to its manner, anger surpasses the vices mentioned in certain of its violent manifestations. The infuriated man, when crossed, creates a scene and makes a fool of himself; his blood boils, his face is flushed, his eyes dart fire, he froths at the mouth and trembles, he pounds, stamps and bellows like an enraged bull.

**2549. Anger as One of the Seven Capital Vices.**—(a) It has a certain preëminence in evil. Its matter is quite attractive, for revenge is sweet and the cloak of just retaliation makes it seem good; its manner is powerful, for it drives one on to dare even the most shocking crimes.

(b) It is the spring of many sins. In the heart anger produces *indignation* against the object of displeasure, whom the angry man looks upon as base and unworthy, and *soreness* about the treatment of self, which fills the mind with plans of revenge. Sins of the mouth due to anger are incoherent cries of rage, words of contumely and blasphemy (Matt., v. 22), while its sinful deeds include quarrels and every kind of injury.

**2550. Sinful Indulgence.**—Sinful indulgence, which is opposed to meekness by excess, is often a mortal sin on account of the grave harm it inflicts upon the common welfare and the protection it affords to crime. Thus, Heli was seriously reproved and punished because he winked at grave disorders, or at least was too easy-going in his corrections (I Kings, ii, iii).

**2551. Clemency.**—Clemency is a virtue that inclines one, from a spirit of kindness and moderation, to be as easy in inflicting punishments as the claims of justice will allow.

(a) Clemency is a *virtue,* because it is reasonable, does good to others, and makes the doer good. It is beneficial to public as well as private interest: "Mercy and truth preserve the king, and his throne is strengthened by clemency" (Prov., xx. 28).

(b) It inclines one to be *easy,* that is, to temper or relax the severity of the law. Thus, it differs from the virtues of legal justice and of charitable forgiveness, the former of which, when necessary, insists on the full rigor of the law (see **2381 sqq.**), whereas the latter, when permissible, grants an enemy a full pardon (see **1198**).

(c) Its matter is *punishment,* that is, the external evil of chastisement visited on wrongdoers. Hence, it differs from meekness, which deals with the internal emotion of anger, and from mercy, which deals with external goods bestowed upon the suffering.

(d) It is easy only in so far *as the claims of justice will allow;* that is, it acts from a sense of responsibility to the rights and claims of the common good and of all the interests involved, and decides according to an impartial and enlightened judgment that circumstances of person, deed, cause, etc., call for a departure from the strict requirements of law or custom. Clemency is not the same thing, then, as arbitrary laxity or sentimentalism.

(e) It is moved in the first place by *kindness* to the offender, and thus it differs both from the virtue of equity (which acts from the sense of higher justice) and from the vices of favoritism, extortion, and cowardice (which extend forbearance only to friends or to those who offer bribes or who bring pressure to bear).

(f) It is moved secondly by a spirit of *moderation.* Many persons are spoiled by authority: feeling their own importance, they desire to exercise their powers to the limit and to keep others down as much as possible. The clement man, on the contrary, keeps his poise and uses his authority with moderation. Meekness should be practised by all, but clemency is the proper virtue of superiors.

**2552. The Vices Opposed to Clemency.**—(a) The extreme of defect is *cruelty,* which is a hardness of heart, not moved by the sufferings of others, that disposes one to inflict excessive punishments. The worst form of cruelty is savagery, which takes inhuman delight in the sufferings of others and inflicts pain without regard for guilt or innocence.

(b) The extreme of excess is *undue leniency,* which spares the rod when it should be used. There are times when severity is necessary, as when a crime was malicious and cold-blooded, when an offender is stubborn and irreformable, and when mildness will harm the public welfare or invite the sinner to repeat his offense. In such cases it would be unwise and harmful to mitigate the sentence which wise statutes or customs provide for the offense.

**2553. Humility.**—Humility is the virtue that makes one modest in the desire of greatness.

(a) It is a *virtue,* that is, a moral excellence and a voluntary disposition. Hence, it is not the same as physical humility (*e.g.,* the humble or lowly circumstances in which a person was born) or as involuntary humility (*e.g.,* the humiliation which comes upon those who exalt themselves).

(b) It is concerned with *greatness,* that is, with the higher things that pertain to greatness of soul (see **2448 sqq.**). There is no opposition between these two virtues, for greatness of soul makes one set such a value upon the gifts one has received from God as to aspire to the betterment for which they prepare one, while humility makes one realize one's own shortcomings so sincerely that it keeps one from the desire of those excellences for which one is unsuited.

(c) It is *modest;* that is, it regulates according to the standard of reason the passion for greatness, so that one may avoid the extremes of pride and of abjectness or littleness of soul (see **2465** c).

**2554. The Three Acts of Humility.**—(a) Its regulatory act is in the intellect, and consists in the knowledge and acknowledgment of one's infirmity and inferiority, not only in comparison with God, but also in comparison with men.

(b) Its essential act is in the appetite and consists in a regulation of the hope for greatness so that, recognizing one's limitations, one does not strive for that for which one is unfitted. Higher degrees of humility are those which do not desire honor, or which are pained by it, or which desire dishonor.

(c) Its expressive act is in the external conduct. St. Benedict says that the humble person avoids singularity in deed, is sparing in his words and not given to loudness, and bears himself modestly, not staring about or laughing immoderately. But there is also a false humility, which is only in externals, and this is really proud hypocrisy (Ecclus., xix. 23).

**2555. Two Requirements of Humility.**—Humility is chiefly an abasement of self before God (Gen., xviii. 27), and it is not opposed to truth or to good order. Hence, the two following rules on the lowering of self before fellow-creatures:

(a) in the internal act, humility requires that each one acknowledge his neighbor as his better, if comparison is made between what the former has from himself and what the latter has from God (Phil., ii. 3; Osee, xiii. 9). But it is not against humility to believe that one has more of divine grace or less of human imperfection than another, if there are good reasons for the belief (Eph., iii. 5; Gal., ii. 15);

(b) in the external act, humility requires that one show proper signs of respect to one's betters. But of persons who are in authority St. Augustine says that, while before God they should prostrate themselves at the feet of all, before man they should not so demean themselves to inferiors as to detract from their dignity or authority. Like the other virtues, humility must be guided in its manifestations by prudence as to place, time, and other circumstances.

**2556. The Excellence of Humility.**—(a) Humility is inferior to the theological virtues, which tend immediately to the end itself, and also to the intellectual virtues and legal justice, which rightly dispose mind and will about the means to that end. Humility and the remaining virtues incline one to follow the direction of mind and will, but with this difference that, while humility makes one ready for submission in all that is right, temperance, fortitude and the rest prepare one for submission only in some one or other particular matter. To these latter virtues, then, humility is superior.

(b) Humility is the groundwork of the spiritual edifice negatively or indirectly; for, since God resists the proud and gives grace to the humble (James, iv. 6), the obstacles to the other virtues are removed by humility. But it is faith which positively and directly places the cornerstone of the spiritual life, for faith is the first approach towards God: "He who would come to God must believe" (Heb., xi. 6).

**2557. Pride.**—Pride is an inordinate desire of one's own personal excellence.

(a) It is a *desire,* for the object of pride is that which is pleasing and yet not easy of attainment.

(b) The desire is concerned with *excellence,* that is, with a high degree of some perfection (such as virtue, knowledge, beauty, fame, honor) or with superiority to others in perfection.

(c) The excellence sought is *personal;* that is, the object of pride is self as exalted on high or raised above others. Ambition seeks greatness in honors and dignities, presumption greatness in accomplishment, and vanity greatness in reputation and glory; pride, from which these other vices spring, seeks the greatness of the ego or of those things with which the ego is identified, such as one's own children, one's own family, or one's own race.

(d) The desire is inordinate, either as to the matter, when one desires an excellence or superiority of which one is unworthy (*e.g.,* equality with Our Lord), or as to the manner, when one expressly desires to have excellence or superiority without due subjection (*e.g.,* to possess one's virtue without dependence on God or from one's own unaided merits). In the former case pride is opposed to greatness of soul, in the latter case to humility. The contempt which is proper to pride is a disdain for subjection, and the contempt which belongs to disobedience is a disgust for a precept; but pride naturally leads to contempt for law and for God and the neighbor (see **2367**).

**2558. The Acts of Pride.**—(a) In his intellect, the proud man has an exaggerated opinion of his own worth, and this causes his inordinate desire of praise and exaltation. But pride may also be the cause of conceited ideas, for those who are too much in admiration of themselves often come to think that they are really as great as they wish to be.

(b) The will of the proud man worships his own greatness, and longs for its recognition and glorification by others.

(c) In his external words and works, the proud man betrays himself by boasting, self-glorification, self-justification, by his haughty appearance and gestures and luxurious style, by arrogance, insolence, perfidy, disregard of the rights and feelings of others, etc.

**2559. The Sinfulness of Pride.**—(a) Complete pride, which turns away from God because it considers subjection detrimental to one's own excellence, is a mortal sin from its nature, since it is a manifest rebellion against the Supreme Being (Ecclus., x. 14). Such was the pride of Lucifer, but it is rare in human beings. Complete pride may be venial from the imperfection of the act, when it is only a semi-deliberate wish.

(b) Incomplete pride, which turns inordinately to the love of created excellence but without disaffection to superiors, is in itself a venial sin, for there is no serious disorder in the excess of an otherwise indifferent passion. But circumstances may make this pride mortal (*e.g.*, when it is productive of serious harm to others).

**2560. Pride Compared with Other Sins.**—(a) *Gravity.*—Complete pride is less than hatred of God, for the former has as its object personal excellence, the latter separation from God. But after hatred of God complete pride is worse disloyalty than any other mortal sin; it separates from God directly, since it abjures allegiance to the Supreme Being, while other sins separate from God only indirectly, since they offend, not from contempt, but from ignorance, or passion or excessive desire.

(b) *Origin.*—Pride was the first sin, because by it the angels and our first parents fell, the angels desiring likeness to God in beatitude, Adam and Eve likeness in knowledge (Ecclus., x. 15; Prov., xviii. 11; Tob., iv. 14).

(c) *Influence.*—Pride is called the queen and mother of the seven capital vices—namely, vainglory (**2450**), gluttony (**2473**), lust (**2494**), avarice (**2426**), sloth (**1322**), envy (**1342**), and anger (**2549**)—not in the sense that every sin is the result of pride (for many persons sin from ignorance, passion, etc.), but in the sense that the inordinate desire of personal excellence is a motive that can impel one to any kind of sin, just as covetousness offers a means that is useful for every temporal end (I Tim., vi. 10). Pride is also most dangerous, since it steals away the reward of virtue itself (Matt., vi. 2); and, as humility is the first step towards heaven, pride is the first step towards hell.

**2561. Abjection.**—The other extreme of pride is abjection. (a) As a turning away from these higher things to which one should aspire, this sin is the same as littleness of soul, and it is opposed to greatness of soul (see **2451**). (b) As a turning to lower things or to a submission to others which is unreasonable, this vice is directly opposed to humility. Examples are persons of knowledge who waste their time on menial labor when they should be more usefully employed in other pursuits, or who permit themselves to be corrected and guided by the errors and false principles of the ignorant.

**2562. Studiousness.**—Studiousness (*studiositas*) is the virtue that makes one modest in the desire of knowledge.

(a) Its object is the *desire of knowledge;* for man is gifted with powers of sensation and understanding, and nature inclines him to desire the exercise of these powers to see, hear, picture, apprehend, judge, reason, etc.

(b) Its function is *to make one modest* in this desire (see **2465** c); that is, it regulates the inclination of nature according to reason, so that one may avoid both excess and defect in the pursuit of knowledge. On the one hand, the soul has the urge to discover and learn, but just as bodily hunger leads to gluttony, if not restrained, so does mental hunger become a vice (curiosity), if it is not moderated. On the other hand, the body has a disinclination for the labor, weariness and hardship which study demands, and, if this reluctance is not overcome, one becomes guilty of the sin of negligence or ignorance (see **904, 1326, 1671**).

(c) Its character, therefore, is that of a *virtue,* since it holds a natural appetite within moderation, avoiding the extremes of excess and defect, and keeping custody over senses and mind.

This virtue is praised in Prov., xxvii. 11: "Study wisdom, my son, and make my heart joyful"; and in I Tim., iv. 13: "Attend to reading." Essentially, it is a potential part of temperance, for its chief characteristic is moderation of an eager desire; but secondarily, it belongs to fortitude, for great courage, persistence, and self-sacrifice are necessary for a student.

**2563. The Vices Opposed to Studiousness.**—(a) The vice of excess is called curiosity. It is a desire of knowledge that is inordinate on account of the motive (*e.g.*, when one is curious about the doings of others because one wishes to injure them, when one gazes about to satisfy impure desire) or on account of its circumstances (*e.g.*, a curiosity about the latest news or rumors that keeps one from duty or more important matters, a curiosity that consults fortune-tellers, a curiosity that tries to peer into the inscrutable mysteries of God, Ecclus., iii. 22).

(b) The vice opposed to studiousness by defect is negligence, which is a voluntary omission of study of those matters one is bound to know, as when a schoolboy wastes his time in play and idleness. Curiosity and negligence are usually found in the same person (*e.g.*, those who pry into the affairs of others without reason, do not, as a rule, mind their own business well).

**2564. The Malice of the Sins against Studiousness.**—(a) Curiosity in itself is venial, for it does not seem a serious offense to busy oneself with things superfluous. But circumstances sometimes made it mortal. Thus, the subject-matter may make it serious, as when one is curious about obscene books, or has a prurient desire to gaze on unbecoming pictures or plays, or tries to fish out of others sacramental or other confidential secrets; or the purpose may make it serious as when one is inquisitive or spying because one wishes to blacken a neighbor (Prov., xxiv. 15); or the means may make it mortal as when recourse is had to calumny, fraud, reading private papers, etc., in order to get information.

(b) Negligence is mortal or venial according to the gravity of the duty of knowledge. Thus, if a lawyer gave no study at all to a case and thereby inflicted a grave loss on his client, the negligence would be a mortal sin.

**2565. Modesty.**—Modesty should control not only the internal passions for excellence and learning, but also the external movements of the body (modesty of bearing) and the external use of corporal things (modesty of living). (a) Thus, modesty of bearing moderates the bodily actions, both in serious things (modest behavior) and in things playful (modest relaxation). (b) Modesty of living makes one temperate in the use of the externals that serve life (modesty in style) and of the clothing one wears (modesty in dress).

**2566. Modest Behavior or Decorum.**—(a) *The Virtue.*—The movements and gestures of the body should be regulated by reason, both because they are indications of one's own character and disposition, and because they express one's disposition towards those with whom one lives. Hence, they are not a matter of indifference, but reason demands that they be suitable both to oneself (*i.e.,* to one's sex, age, position, etc.) and to one's neighbor (*i.e.,* to the requirements of good social usage in each business or affair of life). Thus, virtuous decorum employs both sincerity, which makes one honestly respectful in act (**2403**), and affability, which makes one agreeable in the company of others (**2421**). That this is an important virtue for individuals and society is declared both by sacred and human authority. Ecclesiasticus (xix. 26, 27) calls attention to the importance for himself of a man's looks, laughter and gait; St. Augustine says that there should be nothing offensive to others in one's movements; and Aristotle mentions among the qualities of the high-minded man that he is sedate and dignified in demeanor.

(b) *The Opposite Vices.*—Modest behavior is offended by various vices of excess and defect. Thus, sincerity is offended by bluntness and affectation, self-respect by stiffness and servility, and consideration for others by flattery and rudeness.

**2567. Modest Relaxation.**—(a) *The Virtue.*—Just as the body fatigued by manual labor demands the refreshment of sleep and the recuperation afforded by vacations or by intermissions of work, so also the mind cannot be healthy or active unless from time to time it is relieved by some kind of amusement or diversion. The desire for recreation is, therefore, one of the chief inclinations of man, and there is special need of its temperate management by right reason. The person who prudently provides for pastimes and pleasures as a part of his life has the virtue which Aristotle called *eutrapelia* (good wit, urbanity), and which St. Thomas named gaiety or pleasantness.

(b) *The Sin of Excess.*—Relaxation is excessive in various ways. Sometimes the entertainment itself is improper (*e.g.*, obscene comedies, scandalous dances, unjust games of chance). Sometimes the disposition of the person himself is sinful (*e.g.*, those who make recreation the chief occupation of life, Wis., xv. 12; those who recreate only for pleasure, or who enjoy themselves uproariously). Sometimes the circumstances make an amusement unsuitable, such as the person (*e.g.*, when a man of dignity belittles himself by acting as clown, when a female takes part in sports unsuited to her sex), or the time (*e.g.*, when the hours that should be given to divine services, or to study or other work, are spent in golfing or fishing; when Good Friday or a day of bereavement or penance is chosen for a ball or picnic), or the place (*e.g.*, when a church is used for sports or farces), or the quality (*e.g.*, when the Scriptures or other sacred things are caricatured or parodied), or the quantity (*e.g.*, when one spends so much on theatres, automobiles, trips and other enjoyments that one has nothing left for duties of justice, charity or religion; when health is injured by violent games).

(b) *The Sin of Defect.*—Those persons offend here who deprive themselves of necessary relaxation (*e.g.*, misers who fear to take a holiday or go on an outing lest they lose some money), or who interfere with the recreation of others (*e.g.*, kill-joys who wish to see others miserable, fanatics who believe that all fun is of the devil). Those who have little sense of humor or who suffer much may be excused to some extent if they never laugh, but at least they should try to look pleasant at times, or at least not frown on innocent happiness.

**2568. Gravity of the Sins Opposed to Moderate Enjoyment.**—(a) *The Absolute Gravity.*—The sins just mentioned are mortal or venial according to the character of what is done and the circumstances. Thus, it is a mortal sin to find recreation in wild revelry and debauchery, or to drive one's children to the devil by forbidding them necessary diversion; it is a venial sin to spend a little too much time at the card table or to work rather too hard.

(b) *The Comparative Gravity.*—It is worse to relax too much than too little, for amusement is not taken for its own sake, but is subordinated to serious things. Just as it is more senseless to take too much salt or other relish in food than to take too little, because the salt is secondary, so it is more foolish to play too much than too little.

**2569. Modesty in Style of Living and Dress.**—(a) *The Virtue.*—External goods, such as dwellings and clothing, are necessary for body and soul, as a protection to health and decency; others, such as furnishings, decorations, ornaments, cars, radios, entertainments for guests, etc., are useful for convenience, beauty and the maintenance of one's station. But one may be immoderate in the use of these goods, and hence there is need of a virtue to regulate their use, so that it may truthfully be in keeping with one's position and be not offensive to others.

(b) *The Sin of Excess.*—This is committed when one's style is extravagant according to the standards of the community, or when like Dives, clothed in purple and fine linen, one aims only at display or sensual gratification, or when one is too much preoccupied with externals (*e.g.*, when too much time is spent before the mirror or too much money at the dressmaker's). Dignitaries and the ministers of the altar are not guilty of excess in the pomp and splendor which the Church sanctions, since the honor is intended for their station and the divine worship they perform.

(c) *The Sin of Defect.*—This is committed when one's mode of life is not up to the reasonable standard of one's community, especially if this is due to negligence or itch for notoriety or disregard for decency. Examples are those who through carelessness go about unwashed or unshaven, who keep their quarters in a filthy and disorderly state, or who wear their clothing untidily; also females who dress in male attire, nudists who appear undressed in public places, and cynics who scorn the conventions of refined society. It is not sinful, however, but a virtuous act of temperance, to wear simpler and poorer garments from the spirit of mortification and humility (Heb., xi. 37). The clergy and religious, since they should be models of the penitential spirit, are to be praised, therefore, when they give an example of plainness and simplicity in personal style and dress.

**2570. Morality of Self-Beautification.**—Is it wrong to beautify oneself in order to improve one's looks or to win admiration?

(a) In itself there is no harm, especially for females, in using means to improve one's looks, such as remedies for deformities, facial paints, powders and cosmetics, hair waves and dyes, and the like. But accidentally there could be sin (*e.g.*, deception). A poor man would be a deceiver if he lived in great style to make a woman believe he was wealthy, and likewise a woman would be a deceiver if she used an artificial beauty to deceive a man about her age (see **2404**).

(b) In itself also it is not sinful to desire that others approve one's appearance and dress. Thus, a wife should strive to be attractive to her husband (I Cor., vii. 34), and modest ornamentation may be used to win a suitor (I Tim., ii. 9). It is mortally sinful, however, to attire oneself with the purpose or in a manner to arouse carnal temptation or to awaken sinful desire in others—for example, if one wishes to capture the sex love of others without marriage (Prov., vii. 10); it is venially sinful to groom oneself well from mere vanity, that is, from a silly ambition to be regarded as handsome and fashionable. By a Decree of the Sacred Congregation of the Council (January 12, 1930), parish-priests, parents, and teachers are admonished to oppose indecent female dress; and it is ordered that women and girls improperly dressed shall be excluded from Communion or even from church, and special services and sermons on decency are prescribed for December 8 of each year (see **1456, 1457**).

**2571. Complements of the Virtue of Temperance.**—(a) The Gift of the Holy Ghost that perfects temperance is fear of the Lord. The virtue of temperance makes one abstain from unlawful pleasures because to do so is reasonable; fear of the Lord inclines one to the same abstinence from reverence. The Gift of Fear looks first to the greatness of the Heavenly Father, before whom the nations are as a drop in the bucket and are counted as the smallest grain of the balance and the islands as but a little dust (Is., xl. 15); and in this respect it represses presumption and serves the virtue of hope (see **1041 sqq.**). But secondarily it looks to the insignificance of every delight that is apart from God, and sees that these inferior joys are passing, insipid and bitter, like dust blown away by the wind, like a thin froth dispersed by the storm, like smoke scattered by the breeze (Wis., v. 15), like a sweet poison that turns to gall and destroys (Job, xx. 12 sqq.); and in this respect fear of God sustains temperance, which must regulate the cravings of the flesh and lower appetites. Fear of God, then, makes one fly from those things which chiefly allure one to offend Him, and hence the Psalmist (Ps. cxviii. 120) prays: "Pierce Thou my *flesh* with Thy fear."

(b) The Beatitude that corresponds to the present Gift is the second: "Blessed are they that mourn, for they shall be comforted." Those who have the fear of God perceive the true nature of illicit joys and the evil end that awaits those who chase after them. They prefer, then, to be sorrowful, that is, to deprive themselves of every wicked pleasure and love for the sake of the love of God in this life and the enjoyment of God in the life to come: "Your sorrow shall be changed into joy" (John, xx. 16).

(c) The fruits of fear of the Lord are modesty, continency and chastity. Like a good tree that produces a rich harvest of delightful fruits, filial reverence for God brings forth acts of virtue that have in them a delicious savor more enjoyable and more lasting than the fruits of the flesh. These goodly and pleasant fruits of the spirit of fear of God are modesty in words, deeds and external things, continency of the single and chastity of the married in thoughts and desires.

**2572. The Commandments of Temperance.**—(a) *Negative Precepts.*—In the Decalogue the vices of intemperance that are most directly opposed to the love of God and the neighbor

(I Tim., i. 5) are expressly forbidden, namely, adultery in act and adultery in desire. Elsewhere other sins are forbidden. Thus, drunkenness (''Drunkards shall not possess the kingdom,'' I Cor., vi. 10), every kind of lust (''The works of the flesh are fornication, uncleanness, immodesty, luxury . . . those who do such things shall not obtain the kingdom,'' Gal., v. 19, 21), anger (''Let all bitterness and anger and indignation be put away from you,'' Eph., iv. 31), pride (''God resisteth the proud,'' James, iv. 6), etc.

(b) *Affirmative Precepts.*—The positive modes of observing temperance (*i.e.*, rules on fasting) are not prescribed in the Decalogue. For the law confines itself to general principles that are of universal application, whereas the manner of practising fasts and abstinences has to be suited to conditions of time and place. Hence, it pertains to the Church to settle by her legislation the details of mortification in eating and drinking, so that they may be suited to the ever-changing conditions of human life (**2469**).

## Question III

## THE DUTIES OF PARTICULAR CLASSES OF MEN

**2573.** The theological and moral virtues treated in the previous Question are obligatory upon all states and conditions, for all men have the same supernatural destiny, and all alike are bound to govern their acts and their passions by the rule of reason. But not all have the same calling or office, or consequently the same particular ends to be striven for or the same special means to be used; wherefore, there are moral duties proper to particular classes and particular ways of life. These special obligations, however, do not constitute new virtues, but are applications of the seven general virtues to the states of man diversified in reference to the acts and habits of the soul. The diversities now spoken of may be reduced to the three mentioned by St. Paul (I Cor., xii. 4 sqq.), namely, diversities of graces (*i.e.,* some are gifted to edify the Church in marvellous ways by knowledge, speech or miracles), diversities of operations (*i.e.,* some are called to the life of contemplation, others to active life), and diversities of ministries (*i.e.,* there are various stations, ranks, occupations, both in ecclesiastical and non-ecclesiastical life). The higher graces and ways of the spiritual life of man are treated in works of ascetical and mystical theology, and we shall confine ourselves here to two subjects: (a) the duties of men as members of the Church, that is, the general duties of the faithful and the special duties of clerics and religious; (b) the duties of men as members of domestic and civil society.

### Art. 1: THE DUTIES OF MEMBERS OF THE CHURCH

**2574. The General Duties of the Faithful.**—The Church has the power to make laws which will promote the common good of the whole body and the individual good of the members (see **418**). Chief among the laws that bind the faithful in general are the six known as the Precepts of the Church, namely, the laws on the observance of Sundays and holydays, on fasting and abstinence, on yearly confession, on Easter Communion, on the support of pastors, and on marriage.

**2575. The First Precept of the Church.**—This precept commands that on Sundays and holydays of obligation Mass be heard and servile and other like works be omitted (Canons 1247–1249) by the subjects of church laws (**427 sqq.**).

(a) This precept is of natural and divine law as to its purpose and substance, for reason teaches and the Third Commandment of the Decalogue prescribes that man set aside some time for the external worship of God, and avoid those things that distract him from worship (*Catechism of the Council of Trent,* pp. 396 sqq.). Hence, even non-Catholics, though they do not sin by missing Mass (**429, 430**), are guilty of sin if they do not from time to time worship God externally.

(b) This precept is of ecclesiastical law only as to its details (*i.e.,* the time set apart and the manner of worship and sanctification decreed). The Old Testament Law observed the Sabbath or last day of the week in memory of the creation of the world, and it abstained most rigorously from work on the Sabbath, because there was a divine prohibition and because this rest was a figure of things to come. But in the New Law the ceremonial precepts of Judaism no longer have force, and the Christian precepts substituted for them were not instituted by Christ Himself but arose from the custom of the Church. During the lifetime of the Apostles themselves Sunday (or the first day of the week) came to be venerated as the Lord's Day in memory of the Resurrection, which completed the work of Redemption (Acts, ii. 46, iii. 1, v. 12, xxi. 26); and from early times various special holydays were appointed and made days of obligatory worship, as had been the case with certain feasts in the Old Testament. As early as the third and fourth centuries laws were made confirming the primitive customs of assisting at Mass and resting on Sundays and holydays.

**2576. The Affirmative and Negative Parts of the First Precept.**—The first precept of the Church has two parts, an affirmative (preceptive) part which commands the hearing of Mass, and a negative (prohibitive) part which forbids the doing of servile works. The law is therefore most salutary and simple, requiring that one take part in the greatest act of worship, the sacrifice which is a commemoration of Christ, and that one rest from the labors and cares of the week and be spiritually refreshed. In reference to the Mass, the precept requires that Mass itself be heard, and that it be an entire Mass and the same Mass.

(a) Thus, Mass itself must be heard, and hence one does not satisfy the Sunday obligation by attending other services that precede (*e.g.*, the Asperges, blessing of palm), accompany (*e.g.*, sermon), or follow (*e.g.*, Vespers, Benediction) the celebration of Mass. Neither does this precept oblige one to attend other services on Sunday, although it is most suitable to do this, also to make internal acts of faith, hope and charity, and to read pious books and perform works of charity, and it is sometimes necessary as a natural obligation to attend the sermon or catechetical instruction (see **914 sqq.**).

(b) A whole Mass must be heard, that is, all the ceremonies from the prayers at the foot of the altar until the blessing at the end, and it is irreverent to leave church without necessity before the priest has left the altar. He who can assist at only the essential and integral parts of the sacrifice (*i.e.,* from the Consecration to the Communion), is obliged to so much; but he who arrives after the Consecration and cannot hear another Mass is not obliged according to one opinion to remain for the present Mass, since the Consecration, the essential part, is already past.

(c) The same Mass must be heard, and hence one cannot satisfy the obligation by hearing the first half of one Mass being said on one altar and the second half of another Mass being said simultaneously on another altar (see Denzinger, n. 1203), nor by hearing the Consecration in one Mass and the Communion in a previous or subsequent Mass, thus dividing the sacrifice. But If one has heard from the Consecration to the end in one Mass, one may hear the omitted pre-Consecration parts, it seems, in another Mass that follows, and one should do this if possible.

**2577. How Mass Must Be Heard.**—In reference to the person who hears Mass, the positive part of the precept calls for external assistance and internal devotion.

(a) Thus, the external or bodily assistance must be such that one can be said to take part in the divine worship. This happens when one is physically present, that is, when one is in the same building or place as the celebrant and can either see or hear him, or is morally present, that is, not in the same building but able to see or hear him naturally (*e.g.*, by looking from the window of a neighboring house), or is unable to see or hear him but joined with the congregation (*e.g.*, those who are outside the closed doors of the church but who can follow the bells and choir to some extent, those who are inside with the congregation but behind a pillar that shuts off the view). In a field Mass amplifiers can carry the voice far out to the edge of a vast crowd. But there does not seem to be a sufficient moral presence when Mass is "seen" by television or "heard" over the radio, since in these cases one is not present to the consecrated species or united to the worshippers.

(b) Internal or mental assistance requires the actual or virtual intention of the will to perform what the Church requires (see **2165**), and the attention of the mind, external according to some, internal according to others (see **2166** sqq.). Thus, he who goes to church merely to hear the music or look at the pictures does not hear Mass for lack of intention; he who sleeps soundly all through the service does not hear Mass for lack of attention. One who knows what is going on before him, but whose thoughts are not on any religious matter, complies with the precept of the Church according to some, but he sins by irreverence and voluntary distraction. It suffices during Mass to think either on the Mass itself (which is the best attention), or to think on other pious subjects (*e.g.*, to make an examination of conscience, to say the Rosary). Certain actions (*e.g.*, those that are related to the Mass, such as ringing the bell, taking up the collection, playing the organ) do not exclude external attention, but others certainly exclude it (*e.g.*, writing a letter), and others are doubtful (*e.g.*, going to Confession).

**2578. Time and Place of Mass.**—In reference to circumstances, the precept requires that Mass be heard at the proper place and the proper time.

(a) *Place.*—The precept may be complied with by attending Mass in any Catholic rite (Latin, Greek, etc.), and it makes no difference whether Mass is celebrated in the open air, in a church, or in a public or semi-public oratory (Canon 1249). But private chapels are for the benefit of the grantee alone.

(b) *Time.*—The precept must be complied with on the feast itself, that is, during the period of twenty-four hours from midnight to midnight. Sunday Mass cannot be anticipated on Saturday or put off till Monday. Likewise servile works are unlawful from midnight to midnight.

**2579. Servile Works.**—The prohibitory part of the precept is concerned with servile works, that is, labor of a kind that tends to make one unfit for devotion or that shows disrespect for the sacredness of the day, even though the labor be done gratis, or for recreation, or out of devotion. Hence, the law forbids:

(a) works given to the service of the devil, that is, sins that deprive one of holiness, such as riotous recreations, gambling, drunkenness, reading improper matter, and attendance at evil movie performances. But these works are opposed to the end, not to the text, of the law; and hence the circumstance of time aggravates their malice but does not give them a new species (see **2314**);

(b) works given to the service of the body (servile works properly so called) or to the service of external goods (forensic and commercial works). Servile works in the strict sense cause bodily fatigue and are taken up with material things, and hence they distract the mind from religious thoughts. Such are manual labors (*e.g.*, plowing, digging, housecleaning) and mechanical or industrial labors (*e.g.*, printing, building, plastering, shoemaking). Forensic and commercial labors (*e.g.*, arguing in court, auctioneering) are also of a very worldly kind and unsuitable for the quiet and recollection of Sundays and holydays.

**2580.** The prohibitory part of the Sunday precept does not affect works which are no impediment to devotion and which cast no dishonor on the day. Such are:

(a) works devoted immediately to the service of God. The purpose of the law is to allow leisure for these works, and hence manifestly their performance is not forbidden. Such works are saying Mass, preaching, administering the Sacraments, singing in church, and visiting the poor and sick (John, vii. 23; Matt., xii. 5). But works that are only remotely related to divine worship (*e.g.*, cleaning the church, painting the altar, repairing the vestments, decorating the shrines) should not be done on Sunday without necessity;

(b) works devoted to the service of the mind (liberal works). These works are of a more elevated kind, do not require great bodily exertion, and are not looked upon as unsuitable to the Sabbath. Such are intellectual works (*e.g.*, teaching, reading, writing, studying), artistic works (*e.g.*, playing the organ, singing, drawing, painting a picture, embroidering), and works of recreation (moderate sports or diversions such as baseball, tennis, and chess).

**2581. Other Kinds of Works and Sunday Observance.**—(a) Common works are those that stand between the liberal and the servile, since they are exercised equally by mind and body, such as walking, riding, hunting, and fishing that is not very laborious. These are lawful.

(b) Doubtful works are those that are now non-servile, now servile, according to the manner in which they are conducted, such as the work of painters, sculptors, typists, seamstresses, and photographers. Thus, it is a liberal work to paint a portrait, a servile work to paint the walls of a house. In settling the character of various kinds of work, one must be guided by the prudent opinion of one's locality, and in case of doubt and need must seek a dispensation.

**2582.** Is it lawful without necessity to hire the servile work of non-Catholics on Sunday, if these persons are not thereby impeded from the natural duty of worshipping God and no scandal is given? (a) If the non-Catholics are infidels and not bound by church laws, this is lawful. The same would be true of those who lack the use of reason (see **427 sqq.**). (b) If the non-Catholics are heretics, it is not lawful in the case given to make them work on Sunday.

**2583. Obligation of First Precept.**—The first precept of the Church obliges under pain of grave sin, because it determines a necessary act of religion (**2148**), and experience shows that where the Sabbath is neglected the social, spiritual and physical interests of man are seriously harmed (see Denzinger, n. 1202). There is always hope for Catholics who attend Mass, whereas those who miss Mass soon become Catholics only in name. But since neglect of worship may be only slightly disrespectful, and since the end of the precept may be substantially obtained without complete fulfillment, a transgression may be only venial by reason of lightness of matter.

(a) *Preceptive Part.*—Grave matter is a part of the Mass that is notable on account of dignity (*i.e.,* the essential and integral parts of the Mass, for example, the Consecration and Communion), or on account of its duration (*i.e.,* a third of the whole Mass, *e.g.,* from the beginning to the Offertory inclusively, from the beginning to the Gospel and from the Communion to the end, from the Preface to the Consecration, from the Consecration to the Agnus Dei, etc.). Hence, he who is culpably absent or asleep during a notable part of the Mass sins gravely, but he who is absent or asleep during an inconsiderable part of the Mass (*e.g.,* one who arrives just at the Offertory or who leaves after the Communion) sins venially, unless he is so disposed that he does not care how much he misses.

(b) *Prohibitive Part.*—Grave matter is labor that is notable on account of its quality (*e.g.,* forensic proceedings even for a brief space on Sunday would be a serious distraction and scandal), or its quantity (*e.g.,* two and a half hours given to very exhausting manual work, such as digging a ditch, three hours given to less arduous labor, such as sewing). He who commands ten laborers to work an hour each on Sunday coöperates in ten venial sins (see **219**), but he may be guilty of mortal sin on account of scandal.

**2584. Excuses from Observance of First Precept.**—These reasons may be reduced to two classes, namely, external reasons (*i.e.,* a dispensation or a lawful custom) and internal reasons (*i.e.,* one's own inability or necessity).

(a) *External Reasons.*—Dispensations may be given under certain conditions by local Ordinaries, by parish-priests, and by superiors of exempt clerical institutes (Canon 1245). Custom in certain places excuses from Mass for a month women who have just given birth to a child or who have lost their husband by death, and also—from the Mass in which their banns are to be proclaimed—those women who are about to marry. Custom further permits necessary labors, such as cooking, ordinary housecleaning, barbering, the work of railroad and garage men, etc.

(b) *Internal Reasons.*—Impossibility or serious inconvenience excuses from hearing Mass (*e.g.,* those who have to walk an hour's journey to church or ride a two hours' journey; those who will suffer grave detriment to health, honor, fortune, etc., if they go; those who are kept away by duties of charity or employment or office that cannot be omitted). Necessity or duty to others permits one to work on Sunday at least to some extent (*e.g.,* those who must labor on a Sunday in order to live, or to keep out of serious trouble, or to perform services or works of charity that cannot easily be done at another time). To avoid self-deception the faithful should consult their pastor or other prudent person if there is doubt about the sufficiency of the excuse.

**2585.** Though the Church does not impose excessive Sabbatarianism, neither does she admit laxity in the important matter of the Lord's Day.

(a) Hence, not every reason excuses from the church precept. Thus, those are guilty who unnecessarily place themselves in the impossibility of observing the law (*e.g.,* by moving to a place where there is no church, by taking a position that requires work all Sunday morning, by starting on a vacation or auto trip to a churchless region), or whose excuses are frivolous (*e.g.*, those who stay away from Mass because they dislike the priest, or who work on Sunday merely to keep busy).

(b) Reasons that excuse from part of the ecclesiastical precept do not excuse from all of it. Thus, those who are unable to hear Mass are not thereby justified in doing servile work, those who can hear the essential part of Mass (Consecration and Communion), but not the other parts, should hear the essential part; those who can hear Mass only on one Sunday a year are not excused on that Sunday.

(c) Reasons that excuse from the ecclesiastical precept do not excuse from the divine precept (see **2575**) of worshipping God. Hence, those who are really obliged to work every Sunday should sanctify the Lord's Day by whatever private prayer or devotion they can substitute. Some authors very rightly believe that those who can never go to Mass on Sunday are held by divine law to hear Mass on weekdays three or four times a year at least, when this is possible (see **2148, 2180**).

**2586. The Second Precept of the Church.**—This precept commands that on all Fridays of the year and certain other specified days (unless they fall on a holyday outside of Lent) every baptized person who has completed the age of seven and has attained the use of reason shall abstain from eating flesh meat and from drinking the broth or soup made from flesh meat (Canons 1250–1254).

(a) Under the name flesh are included all land and warm-blooded animals (*i.e.*, mammals and birds). The law does not include aquatic animals (*i.e.*, fishes, clams, oysters and other shellfish, lobsters, shrimps, crabs and other crustaceans), nor cold-blooded animals (*i.e.*, reptiles, snails and amphibians, such as frogs, tortoises). Some authors include under aquatic animals otters, beavers, seals, walruses, loons, and coots, though generally the birds are regarded as flesh. In doubt whether a food is fish or flesh, it may be judged to be fish, for in doubts laws are to be interpreted benignly.

(b) Under the name meat are included all the parts of an animal (*i.e.*, its flesh, blood, marrow, brains, lard, meat extracts, mince-pie, pepsin) but not its fruit (*e.g.*, eggs, milk, and things made from milk, such as butter, cheese).

(c) Under the name broth is included any liquid made from the juice of meat, such as beef tea, chicken broth, mutton soup, gravy, etc. But the law does not forbid condiments made from animal fats (*e.g.*, margarin).

**2587. Obligation of the Second Precept of the Church.**—(a) *Origin of the Obligation.*—In substance this precept is of the natural law, but in details (time, manner, etc.) it is of ecclesiastical law (**2468** b) and has come down from customs that began in the first ages of Christianity. The church regulation on abstinence is most wise and moderate: the foods forbidden are those whose deprivation is a mortification to most persons, and at the same time a great benefit to spiritual and bodily health; the times appointed are few but appropriate (*viz.*, days of sorrow, special prayer, penance, preparation, such as Fridays, Ember Days, Lent, vigils), and they are so distributed as to sanctify by mortification each week and each season of the year. True, no food is evil in itself (Matt., xv. 11; I Cor., viii. 8; I Tim., iv. 3; Col., ii. 16), but just as the physician can forbid certain foods to his patient for the sake of temporal good, so for the sake of spiritual good God forbade to Adam the fruit of one tree and to the Jews the flesh of certain animals; and the Church from the days of the Apostles (Acts, xv. 29) has exercised the same right.

(b) *Gravity of the Obligation.*—The abstinence required by the Second Precept is a grave duty, because the Church makes it the necessary act of the necessary virtue of abstemiousness and a serious duty of obedience. But not every transgression is a serious injury to the spirit of this law, and hence some sins against it are venial. Grave matter is such a quantity of forbidden food as gives considerable nourishment, and hence for practical purposes the rule may be given that flesh meat which weighs two ounces (or, according to others, what would be the size of a walnut or of a small hen's egg) is grave matter. Some hold for a more liberal interpretation when the food is not strictly flesh meat, and believe that liquid from meat is not grave matter at any time, or at least when it weighs less than four ounces. Vegetables cooked or seasoned with meat or meat juice are also considered light matter. He who eats meat twice on a Friday or other abstinence day commits two sins, just as he who works twice on a Sunday or holyday commits two sins. It is commonly held that many venial sins against abstinence committed on the same day coalesce to form grave matter, but on account of the separation between the eatings a larger amount is necessary for grave matter.

(c) *Exceptions to the Obligation.*—Those are not bound to observe a day of abstinence who have been exempted by indult (Canon 1253), who have been dispensed by the Ordinary, pastor or superior (Canon 1245), or who are excused on account of real impossibility (*e.g.,* the poor, the sick, those obliged to perform very hard work, those who are morally forced to eat meat but not as a sign of contempt of the law). Persons dispensed from abstinence may not eat meat oftener than once a day on fast days, unless they have a special grant. The faithful should be guided by the Lenten regulations of their dioceses, and in doubt they should consult their pastors.

**2588. The Obligation of Fasting.**—The Second Precept also commands that on the weekdays of Lent and certain other specified days (holydays outside Lent excepted) every baptized person between the ages of twenty-one years completed and sixty years begun shall eat not more than once a day (Canon 1251).

(a) The law speaks of eating, that is, of solid food, and hence the Lenten and other similar fasts are not broken by liquids which are beverages rather than foods, or which are used to allay thirst, or carry food or assist digestion, and not chiefly to nourish (*e.g.,* water, teas, coffee, light cocoa, wine, beer, lemonade, fruit juice). Likewise, sirups taken as medicines are not considered foods, even though they contain nourishment, unless one drinks a large quantity for its food content. Light ices may be considered drink, but ice-cream is food. On the contrary, liquids that are chiefly nourishing are regarded as food (*e.g.,* soup, oil, honey). Finally, some liquors vary between food and drink, according to their richness or weakness, their great or small quantity. Thus, hot chocolate as made in the United States contains only a small amount of solid and may be considered as a drink, but as made in Europe it is stronger and rather food than drink; thus also cream is very nourishing, whereas skimmed milk is in some places regarded and used as a drink, just as coffee or tea.

(b) The law admits as an indulgence on fast days, in addition to the one meal, a small breakfast in the morning and a light collation to be taken either around noon (lunch) or in the evening (supper). The quality and quantity of these two repasts are left to local custom. The rule of custom in this country at the present time permits about two ounces of solid food (bread) to be taken with some drink (such as tea, coffee, or chocolate) at breakfast, and about eight ounces of any food except meat at the collation. But a little more may be allowed at breakfast and supper to those who need it if they are to keep the fast. In some places custom allows for supper on Christmas Eve (the joyful fast) double the usual amount for a fast day supper.

(c) The law permits one to eat but *once in the day* (exception being made for breakfast and collation), but it places no limits as to the quality of the food at the principal meal (unless the day be also a day of abstinence, when meat is forbidden), or as to its quantity, though temperance bids one to eat at all times in moderation. On fast days, therefore, one may not eat between meals, nor so divide or prolong the dinner that it really becomes several meals. A notable interruption (two or three hours) made without good reason divides a dinner into two meals, and over two hours of uninterrupted eating, under ordinary circumstances, seems to be more than the one full meal which the law allows.

**2589. The Obligation of the Precept of Fasting.**—(a) *Origin.*—The natural law commands fasting in general, since without some kind of austerity above common temperance certain desirable ends (such as atonement for past transgressions, conquest of unruly passions, and elevation of the soul) cannot be attained;

and as these ends are necessary it is also necessary to use the means as far as one needs them. The particularization of this natural law has been made by the positive law of the Church, and with such wisdom as to promote the good of both soul and body. The times appointed are most appropriate (*e.g.*, the season when the Passion is commemorated, Luke, v. 35); the duration of the long fast is modelled on that of Christ (Matt., iv. 1); the curtailment of food required is not only beneficial (as an exercise of self-control and a rest and change to the metabolism), but is moderate, since it permits sufficient food for the day, and even in the fast of Lent the Sundays occur to give a respite.

(b) *Gravity.*—The precept of fasting is grave, both from the purpose of the law (see **2469**), and from the express declaration of the lawgiver (Denzinger, n. 1123). But the spirit of the precept is not notably deviated from by every transgression, and hence even in reference to matter there are minor or venial violations; and moreover the precept is probably (unlike that of abstinence) an indivisible one, since it consists in the limitation to one meal, and hence it cannot be violated more than once a day. Grave matter seems to be about four ounces added to the collations or taken between meals, either all at once or at different times, during the day (Denzinger, n. 1129). But he who has broken the fast (*e.g.*, by a second full meal) does not break it again by a third or fourth full meal on the same day, for after the second full meal the fast has become impossible for that day. He who accidentally takes too much at breakfast (*e.g.*, eight ounces) can still keep the fast by proportionately diminishing his evening repast (*e.g.*, by taking only two ounces).

(c) *Exceptions.*—Physical or moral impossibility excuses from the fast, and gives the right to eat meat as often as moderation allows on days that are not meatless days. The chief persons who labor under impossibility are those who are too weak to fast (*e.g.*, the sick, the convalescent, pregnant and nursing mothers, the nervous), those who are too poor to get one square meal a day (*e.g.*, street beggars who have nothing may eat as often as they are given an alms, if it does not buy them a dinner), and those who cannot do their necessary or customary hard work if they fast. Hard work is such as is exercised for many hours continuously, or for a less time if it is very intense, and which is greatly fatiguing to the mind (*e.g.*, daily teaching, lecturing, studying, hearing confessions, preaching, etc.) or to the body (*e.g.*, heavy manual labor, the difficult jobs in offices or stores, work that requires one to be on one's feet for hours at a time, necessary journeys made under hardship). The confessor or physician can decide about cases of impossibility that are not manifest, but dispensation should be had from the pastor (Canon 1245). Those who are dispensed from the ecclesiastical fast or abstinence should remember that they are not dispensed from the natural law of temperance, and they should practise some abstemiousness according to their ability (*e.g.*, by self-denial in alcoholic beverages, tobacco, sweets, etc., or mortification in the quantity or quality of food).

**2590. The Third Precept of the Church.**—This precept commands that all the faithful, male and female, who have reached the age of discretion go to confession at least once a year (Canon 906).

(a) The subject of this precept is every baptized person who has entered the Church through valid Baptism and who has the use of reason, which begins usually at the age of seven. Infants are incapable of committing sin, and the unbaptized are incapable of receiving the Sacrament of Penance.

(b) The matter of the precept is a good sacramental confession of the grave sins not yet confessed, made with the purpose of obtaining absolution to any duly authorized priest. Hence, those who have only venial sins on their conscience are not bound according to the common opinion by this precept, and, on the other hand, those who make a sacrilegious or voluntarily null confession do not fulfill the law (Denzinger, n. 1114; Code, Canon 907). It seems that one who, after a confession of venial sins at Easter, falls into grave sin is not bound from this precept to confess again before the end of the year.

(c) The time for fulfillment of the precept is once during the year. The law leaves one free to confess on any day during the twelvemonth, and to count the year either civilly (*i.e.*, from

January 1 to December 31), or ecclesiastically (*e.g.,* from Easter time to Easter time, as is commonly done), or from the date of the last confession. The limit is set, however, not to terminate but to insist upon obligation, and hence it seems that he who has not made his 1929 confession must make it as soon as possible in 1930, but the 1929 confession made in 1930 will satisfy for the 1930 obligation also (see **468 sqq.**).

**2591. The Obligation of the Third Precept.**—(a) *Origin.*—From divine law sacramental confession is necessary for all who have fallen into serious sin after Baptism, since Christ has given His Church the keys of heaven and appointed His bishops and priests the physicians and judges to cure and pardon (Matt., xviii. 18; John, xx. 23). But Our Lord did not fix the frequency of confession, and it is this which the present precept determines. The law of annual confession goes back to the Fourth Lateran Council (1215).

(b) *Gravity.*—The precept of annual confession obliges under pain of mortal sin, for its purpose is of vital importance and the Church has always regarded it as a grave obligation. The purpose of the law is to ensure the use of the Sacrament instituted by Christ for forgiveness and to keep sinners from delaying their repentance too long. If a good business man takes stock of his assets and liabilities at least once a year, and those who are careful of their health have medical attention or examination at least yearly, it is most reasonable that the faithful should settle their spiritual accounts and attend to the well-being of their souls within an equal period of time. In the early centuries when fervor was greater and conditions different, no general church law on the frequency of confession was needed; but there is no doubt that the Lateran Decree met well the need that began after the change from the early penitential discipline. The penalties for violation of this precept were excommunication and exclusion from ecclesiastical burial, and, though they are not enforced today, they show the intention of the Church to impose a grave duty.

**2592. The Fourth Precept of the Church.**—This precept commands that all the faithful, male and female, who have attained the use of reason, go to Holy Communion at least once a year, and that during Easter time (Canon 859).

(a) The subjects of this precept are the same as those of the previous precept, and consequently children of seven years or thereabout, who are able to understand, must make the Easter duty.

(b) The matter of the precept is a worthy Communion (Viaticum or ordinary Communion) received in any parish, but preferably in one's own parish. Persons living in community (*e.g.*, religious, soldiers, college boarders) may make the Easter duty in their own chapels, strangers and vagi in any church or chapel, and priests in the place where they say Mass.

(c) The time of the precept is the Paschal Season (*i.e.*, from Palm Sunday to Low Sunday, but in the United States, by privilege, from the First Sunday of Lent to Trinity Sunday). The Easter time may be prolonged for an individual by his pastor or confessor for a just reason. The year within which the Easter duty is to be made begins, it seems, with the opening of one Paschal Season and ends with the opening of the Paschal Season of the following calendar year. Since the law requires that the Easter duty be made, not only within the Paschal Season, but also once a year, it follows that he who neglects Communion during the Easter period is still bound by the law to go to Communion before the opening of the next Paschal Season, but probably he is not bound to go at the first opportunity. As a rule, we believe those who do not make their Easter duty during a year are guilty of but one sin, since they do not think of distinct violations.

**2593. The Obligation of the Fourth Precept.**—(a) *Origin.*—There is a divine precept of receiving Communion some time during life, since Our Lord willed the Eucharist to be the necessary nourishment of the soul's journey (John, vi. 54) and the perpetual memorial of Himself (I Cor., xi. 24). The Church in the present precept has prescribed both the frequency and the time for complying with the will of Christ. Since the Eucharist is a daily bread, the law does not permit it to be abstained from by anyone beyond a year; and, since the Paschal

Season brings the anniversary of Christ's sacrifice and of the institution of the Blessed Sacrament, it is the time most fitly chosen for the obligatory Communion.

(b) *Gravity.*—The precept obliges under pain of grave sin, for it determines a law given by Our Lord Himself and regulates the minimum in the use of the Eucharist, the greatest of the Sacraments and the end of all the others. The doctrine of theologians is that it is a grave sin to delay culpably the Easter Communion for even a day beyond the Paschal Season as prescribed, just as even a moment is a serious matter in the Eucharistic fast.

**2594. The Fifth and Sixth Precepts of the Church.**—The Fifth Precept commands the proper maintenance of the clergy by the laity. The manner of giving the support is left to the special statutes and customs of each country (Canons 1496, 1502). This ecclesiastical law is but a determination of the natural law of justice and religion, and also of the divine law; for even in the Old Testament the Levites were supported by the people. The duty is, therefore, grave (see **2185 sqq.**). Respect and obedience in spiritual matters are owed the clergy, and it is sinful to usurp their functions (see **2351, 2355 sqq.**, and Canons 119, 683, 1931, 166).

The Sixth Precept commands the proper solemnization of marriage, and will be treated in the next question under Matrimony.

**2595. Two Other Important General Laws of the Church.**—(a) The prohibition of wicked and dangerous writings (Canons **1384 sqq.**) is based on the natural law, which requires one to avoid what is proximately dangerous to faith or morals. This subject is treated above in **1456, 849 sqq., 1529.**

(b) The prohibition of the cremation of corpses (Canon 1203) is not based on natural law or on any dogma, as though the burning of dead bodies were intrinsically evil or repugnant to our faith in immortality and resurrection. On the contrary, in exceptional cases (*e.g.*, in time of war or epidemic) cremation is permitted, if a real public necessity requires it. The reasons for the anti-cremation law are: the tradition of the Old and New Testaments (Gen., iii, 19; I Cor., xv. 42), and especially the example of Christ whose body was consigned to the tomb; the association of burial throughout the history of the Church with sacred rites and the doctrine of the future life, and the contrary association of cremation both in times past and today with paganism and despair; the sacred dignity of the human body (Gen., i. 26; I Cor. iii. 16, vi. 5), and the feeling of affection for parents, relatives, friends, which is outraged when their bodies are consigned to the furnace. The practical arguments offered for cremation are chiefly hygienic and economic; but it is certain that proper burial at sea or in the grave is no menace to public health, and is not more expensive or difficult than cremation. A most serious objection to cremation is that it makes exhumation impossible, and is therefore a means of concealing murder by poison. It is not lawful for a Catholic to coöperate (except materially in case of necessity) with cremation, or to belong to any society that promotes the incineration of corpses; it is not lawful for a priest to give the last Sacraments or funeral rites to those who ordered the cremation of their bodies.

**2596. The Special Duties of Clerics.**—From the duties of Catholics in general we pass now to the special duties of clerics; for the clergy, on account of their position as the salt of the earth and the light of the world (Matt., v. 16), are bound to a greater internal and external holiness and edification than the laity. The word "cleric" is understood in a wide or in a strict sense. In the wide sense, a cleric is any Christian specially set apart for the serive of God, whether by ordination or religious profession (*e.g.*, lay brothers, nuns); in the strict sense, a cleric (clergyman) is one who has been admitted to Orders, or at least to their preparation through tonsure (Canon 108).

(a) *Duties Before Entering the Clerical State.*—The person who would enter the clerical state must have a vocation and a right intention. As to the latter, since the clerical state has for its ends the glory of God and the salvation of souls, it would be a serious sin to choose it principally for temporal ends, such as wealth, dignity or pleasure; but it is not a sin to desire secondarily and moderately the necessary support of the clerical state (I Cor., ix. 3).

(b) *Duties After Entering the Clerical State.*—The privileges of clerics are treated in canonical works. Here we speak only of duties. The obligations of a cleric are of two kinds—the positive, such as celibacy, and the negative, such as the avoidance of unbecoming amusements or occupations.

**2597. Vocation to the Clerical State.**—(a) *Internal Vocation.*—No one should enter the religious or clerical state unless called thereto by God (John, xv. 16; Acts, xiii. 2; Heb., v. 4, 5), for it is presumptuous and dangerous to take upon oneself difficult obligations or higher powers for which one has not been intended. Moreover, a call to religious life is not the same as a call to the priesthood, a vocation for home missions is not a vocation for foreign missions, etc. (I Cor., xii. 4 sqq.). The signs of a divine call do not necessarily or even ordinarily include a feeling of inspiration or invitation from the Holy Spirit, but it suffices that one have a liking, a right intention, and fitness (physical, mental, moral) for the life; for, where God gives a call, He gives the means to fulfill the duties. Thus, those who will not be able to say Mass, or who cannot master Latin or theology, or who cannot observe celibacy, or who are vicious (*e.g.*, mischief-makers, drunkards) or unspiritual (*e.g.*, the lazy, those who dislike exercises of piety), do not show the signs of a priestly vocation.

(b) *External Vocation.*—No one should be admitted to the religious life or to Orders unless he has given sufficient signs of a call from God. Thus, a Bishop would sin most gravely and be a sharer in the sins of others if he conferred Major Orders on anyone about whose worthiness he was morally certain on positive grounds (Canon 973); nor may a Religious Superior receive to profession any novice about whom he is doubtful (Canon 571). Scarcity of vocations is no excuse for laxity, since it is better to have a few creditable clerics than a multitude of unworthy ones (Benedict XIV). What St. Paul said of deacons ("Let these first be proved, and so let them minister, having no crime,'' I Tim., iii. 10), is therefore to be applied to all candidates for the clerical life. A vocation is tested by the years of probation which the church law provides for seminarians, novices and other aspirants to the ecclesiastical state. No cleric has a right to ordination before he receives the free call from a bishop, but on the other hand it is criminal to prevent a suitable candidate from embracing the clerical state (Canon 971).

**2598. Sinfulness of Disregarding Vocation.**—(a) He who enters the clerical state, not knowing that he has a vocation, is guilty of sin, as is clear from the previous paragraph. According to some, anyone who receives Major Orders, even with serious doubt about his vocation, commits a mortal sin, since he inflicts a serious injury on the rights of God, the Church, himself and his neighbor. According to others, the sin is only venial when one enters the clerical state conscious of the absence of vocation, but determined with the help of God to live up to all the duties; for, though the act is rash, there is good will and good intention, and grace will not be wanting.

(b) He who refuses to enter the clerical state, though knowing for certain that he has a vocation, is also guilty of sin, for only improper motives such as laziness, sensuality, or too great love of liberty can produce such reluctance. The sin is grave or light according to circumstances. There is grave sin, if the resistance to the call constitutes serious disobedience, pride or uncharitableness (*e.g.*, if there were a great scarcity of priests and the bishop commanded a worthy layman to take Orders); there is venial sin in other cases, when the rejection is only dissent to an invitation and exposes neither self nor others to grave peril of losing salvation. Finally, if the signs of vocation do not produce certainty, there may be no sin at all, but rather virtue, in refusal to ascend to the clerical state, for no one is bound to take up grave obligations when uncertain of his fitness, and many holy persons from humility or fear of unworthiness have decided, against the advice or invitation of others, not to become clerics.

**2599. The Positive Duties of Clerics.**—(a) *Duties to God.*—All clerics are held to frequent reception of the Sacrament of

Penance, to daily devotions (*i.e.*, mental prayer, visit to the Blessed Sacrament, a third part of the Rosary, examen), and to triennial spiritual retreats (Canons 125, 126). Moreover, clerics in Sacred Orders, benefice holders, and solemnly professed religious bound to the choir are obliged to the daily recitation of the Canonical Hours, each one according to his own rite and calendar (Canons 135, 213 sqq., 1475, 610). This obligation is grave, because its purpose is the important one of consecrating each hour of the day by the public prayer of the Church according to the usage that goes back to the earliest centuries. But the choral obligation of simply professed religious is light, unless the choir is impossible without their presence.

(b) *Duties to Superiors.*—Clerics are especially obliged to show respect to their Ordinaries and to give them the obedience promised in ordination (Canon 127).

(c) *Duties to the Clerical State.*—Clerics are required to cultivate their minds by sacred and sound studies, and to this end examinations and conferences are also prescribed (Canons 129–131); to keep themselves pure in soul and body by the observance of celibate chastity (Canons 132, 133); to conduct themselves in externals (dwelling, dress, etc.) in a manner befitting their position (Canons 134, 136). The clerical garb in this country is the cassock or habit in the house and church, and dark clothes and the Roman collar, or other distinctive sign for priests and brothers elsewhere. The dress of the clergy should avoid the extremes of dudishness and slovenliness (Second Council of Baltimore, 148; Third Council, 77). The duty of wearing clerical dress at least away from home and regularly is of serious importance, since its purpose is the honor of the clerical state and the protection of its members. It is also forbidden to clerics to cultivate their hair (*e.g.*, to grow long locks, to use curling irons, to oil or perfume their head in dandyish fashion), since this is unbecoming in the followers of a thorn-crowned Leader. The use of the beard is a thing indifferent in itself, and hence it is forbidden in some places (generally in the Latin Church) and required in others (as in the Orient), according to tradition and local usage.

**2600. The Obligation of the Divine Office.**—(a) *Matter.*—A cleric is gravely obliged to recite the Office according to his own rite and in the language of his rite, and not to make any notable change in the Office prescribed by the *Ordo*, either as to quantity (*e.g.*, by omission of a Little Hour or of parts equally long) or as to quality (*e.g.*, by substitution of a minor office for that of one of the great solemnities.) The omission of the Vespers of Holy Saturday, of *Pretiosa*, or of the Rogation Litanies seems to be only a venial sin, because in the first two cases the prayer is short, while in the third case the precept seems to be *sub levi.* There is also lightness of matter in the omission of an inconsiderable part of the day's Office, or in the substitution without good reason of an equal part for a prescribed part.

(b) *Manner.*—Since the Office is a prayer, of a public and daily kind, it must be said: *mentally*, that is, there must be at least virtual intention (which is present from the fact that one takes up the Breviary to fulfill the obligation) and at least external attention (see **2166 sqq.**); *vocally*, that is, the words must be consciously formed by the lips, mouth, or tongue, but it is not necessary that they be audible, unless two or more are saying the Office together; *within the limits of the day*, that is, Matins and Lauds may be anticipated from 2 p.m. of the previous day, but the whole Office must be finished before midnight of the current day. These are substantial requisites and bind *sub gravi*, but there may be only venial sin when they are deviated from inconsiderably. Next, since the Office has a continuity of thought, an order of precedence among its hours and their subdivisions, and a special dignity, it must be said *uninterruptedly* (*i.e.*, without break between the parts of an hour), *in order* (*i.e.*, according to the succession of Matins, Lauds, Prime, etc.), with external respect as to *place and posture* (*i.e.*, he who is bound to choral Office should say it in choir and with the rubrical postures, while he who is bound only to private Office should say it in church or some other becoming place, and should observe the rubrical or at least a respectful posture). These are accidental requisites and bind *sub levi.* For a good reason one may interrupt the Office even for a notable part of the day (*e.g.*, one may discontinue in the midst of a Psalm to pay a duty of politeness or to attend to business), and for convenience one may invert the order of hours or of parts of hours, or may say the evening hours in the morning.

**2601. Excuses from the Obligation of the Divine Office.**—(a) *For Substitution.*—A sufficient reason makes it permissible to substitute another office not notably different in quantity or quality, as when one lacks a new office, or has greater devotion for another office. When substitution has been made unintentionally, the following rules may be observed, though the last two are not admitted by all: *office counts for office,* (*e.g.,* he who through mistake has said the office of another day may let that office stand for today's office, but should add enough to make up for any notable shortness in the office said); *hour does not count for hour* (*e.g.,* he who through mistake said Tierce twice cannot count the second Tierce for Sext); an error should be *corrected when noticed* (*e.g.,* he who notices at Sext that he is not saying the right office should change from Sext); *an error is not corrected by another error* (*e.g.,* he who said today's office yesterday should not say yesterday's office today).

(b) *For Omission.*—The causes that excuse, in whole or in part, from recitation of the Office are physical inability (*e.g.,* loss of the breviary, blindness of one who does not know the hours by heart, sickness or convalescence which makes the recitation a grave hardship), moral impossibility (*e.g.,* when an urgent duty of charity or justice so takes up one's time that one cannot get in all the Office), just dispensation or commutation given by the Pope or, for temporary release, by the Ordinary.

**2602. The Precept of Clerical Celibacy.**—(a) *Origin.*—This law is not divine but ecclesiastical, since it arose, not from any command of Christ, but from a custom of the Church that goes back to the first centuries. Nevertheless, celibacy of the clergy is an imitation of Christ and the Apostles, a following of the counsel given by the Lord, an honor to the sacrifice of the altar, and an example that single chastity is possible. Moreover, by means of it the priest is freed from domestic relations and better enabled to minister as the father, pastor, confessor and counsellor of his people. The celibate is unencumbered by family responsibilities and expenses, and is therefore better able to respond to difficult and dangerous tasks, such as mission work in pagan lands and ministrations to the dying in fire, wreck, or plague. The Church does not denounce or condemn the married clergy of non-Catholic bodies; on the contrary, she permits to some extent a married clergy among the Oriental Catholics, who for many centuries have been accustomed to a married priesthood. But the law of celibacy for the Catholic clergy has not only proved itself more suitable for their work, but it has also justified itself by the general fidelity with which it has been observed and the attachment to it of clergy and laity alike.

(b) *Obligation.*—The law commands chastity as a grave duty of religion (Canon 132); it forbids the contract or use of marriage (Canon 1072). It forbids, where there is danger to chastity or scandal, cohabitation and companionship with women (Canon 133). Cohabitation refers to dwelling in the same house, even though it be only during the day, and the woman be a servant; companionship refers to visits, conversations, signs of friendship, and the like. The danger to good name or virtue depends on circumstances, such as age, beauty, levity, and privacy of association; and the law presumes that a relationship is suspicious unless a woman is a near relative by blood or by marriage (*i.e.*, in the first or second degree), or is mature in age (about forty years old) and proved in virtue and of good repute.

**2603. Negative Duties of Clerics.**—The negative duties of clerics are the avoidance of certain acts, occupations, or amusements forbidden as worldly, undignified, dangerous, distracting or scandalous (I Thess., v. 22; II Tim., ii. 4).

(a) *Forbidden Acts.*—A cleric may not go surety without permission, lest he or his church be involved in scandalous embarrassments (Canon 137); nor engage in trade, lest he be distracted from his spiritual duties and exposed to the danger or suspicion of injustice or greed (Canon 142).

(b) *Forbidden Occupations.*—These include, first, employments and pursuits unbecoming to clerics (such as those of butcher, actor, innkeeper); next, those that are incompatible with the ministry (such as the practice for profit of the medical profession, public magistracies, government jobs, civil court functions, legislative offices, Canon 139); finally, those that are contrary to the mildness that should distinguish clerics (*viz.*, the occupation of fighting man or soldier, Canon 141; see also Canon 984 on executioners). But exceptions may be made for a just cause.

(c) *Forbidden Amusements.*—Clerics should not take part in undignified diversions or cruel sports, such as the hunting of big game with great uproar of dogs and guns (Canon 138) or in gambling, and they should not enter saloons or similar places (Canon 138). Clerics are also forbidden to assist at unbecoming shows, performances, dances, or at any theatrical entertainment where their presence gives scandal (Canon 140). To gamble much (say, several times a week and for a considerable time at each game) is considered a serious matter; but it is not sinful to indulge in a game of chance now and then, if the stakes are moderate and there is no scandal.

**2604. The Prohibition against Trading.**—(a) *Meaning.*—Trading as here understood is purely gainful merchandizing (*i.e.*, buying an article at a lower price in order to sell it unchanged at a higher price) or industrial merchandizing (*i.e.*, buying an article in order to sell it at a profit after it has been changed by hired labor). Hence, there is no canonical trading in commerce which lacks one of the conditions mentioned, for example, if one buys goods for one's household or community and, on discovering that a superfluity has been purchased, sells at a profit what is left over (see **2134, 2135**). Trading includes not only a business conducted personally or for personal profit, but also one conducted through agents or for the benefit of others, such as the poor or pious causes.

(b) *Obligation.*—The violation of this law is grave in itself, but a serious sin demands on the part of the subject that there be real trading (*i.e.*, a number of acts morally united and proceeding from a purpose to continue in lucrative merchandizing), and on the side of the object that there be a large amount involved. Hence, it would be venial to engage in lucrative trading with a large profit once, and with a small profit twice or thrice.

(c) *Excuses.*—Necessity (*e.g.,* if a cleric needs the money to live or to maintain his state, or if a business has fallen to him by inheritance and cannot be given up without loss) justifies trading, if there is permission.

**2605. Is It Lawful for Clerics to Purchase and Sell Stocks and Bonds?**—(a) If this conduct has the character of gambling or trading for profit, it is forbidden by Canon 138 or 142, as the case may be, and is gravely or venially sinful according to the circumstances. Thus, pure speculation or mere betting on the market is a game of chance, and the frequent purchase of stocks with the thought of quick sales and huge profits from sudden changes of the market is lucrative trading.

(b) If the gambling or trading element is absent, the conduct in question is not forbidden by Canon Law. It is generally admitted that bond investments are permissible, since they are only a loan of one's money at interest. There are two views about stock dealings: the stricter view regards them as always containing the character of forbidden trading (since all the notes of strict negotiation are found in them), or at least as being a game of chance; the milder view, which is common, holds that they are no more an affair of chance than many other business undertakings, and that there is no strict negotiation, if the stockholder is not a member or director of the corporation, since the buying and selling is done neither directly nor indirectly by him. Buying of stocks, then, may be nothing more than a prudent investment of money in a deserving enterprise with the hope of a reasonable return, and selling out the stocks at a large profit may be nothing more than the disposal of superfluous goods which it would be inconvenient to retain. It must be remembered, though, that it is unlawful to coöperate with a company whose purpose is evil or suspect, or to have part in frauds, or to give disedification.

**2606. Special Duties of Clerical Superiors from Divine Law.**—(a) As individuals, they should strive to be personally more perfect than their subjects, for they are supposed to give an example in faith, religion, zeal, labor, and self-denial, "being made a pattern of the flock from the heart" (I Peter, v. 3).

(b) As rulers, they must have the virtues of good superiors, such as legal justice or firm devotion to the common good, distributive justice or avoidance of partiality and prejudice, prudence or knowledge of how to direct men and means successfully to the glory of God and the salvation of souls, and commutative justice or respect for the rights of subjects.

(c) As pastors, they must avoid the qualities of the wolf and of the hireling, and cultivate those of the good shepherd, being kind and affable to Catholic and non-Catholic, and practising the spiritual and corporal works of mercy.

**2607. Special Duties from Canon Law of Those Who Have Care of Souls.**—(a) Bishops have grave obligations of residing in their see or diocese (Canon 338), of attending to the instruction of their flock (Canons 1327, 336), of applying the Mass *pro populo* (Canon 339), of making a diocesan report (Canon 340), of confirming and of ordaining worthy candidates (Canon 785), of visiting their dioceses (Canon 343), of making the *ad limina* visit (Canons 340, 342), and of calling a diocesan synod at least every tenth year (Canon 356).

(b) Parish-priests must reside generally in their parishes (Canon 465), and, if lawfully absent, they must make provision for the sick calls and other spiritual necessities of their flocks. They must preach the word of God on Sundays and holydays, and it would be a serious matter to neglect this duty for a considerable time (*e.g.,* a whole month) without good reason (Canon 1344). It is also a serious obligation to attend to the necessary catechetical instruction of young and old (Canons 1330, 1332), to apply the Mass *pro populo* (Canon 466), and to administer the Sacraments (at least Baptism, Penance, Extreme Unction) to those in grave spiritual need (see **1167**). Pastors are also obliged to know their flock, to visit the sick and dying, to correct abuses, to see that the customary administration of the Sacraments and the usual church functions are attended to, to watch over the schooling of the children, and to direct the temporalities and attend to the reports and records of the parish. The duties of chaplains of hospitals, institutions, soldiers, etc., are similar to those of parish-priests, but in particular cases the former are subject to special prescriptions or to local usage or to rules made by the Ordinary.

(c) Assistant pastors are subject in the care of souls to the instruction and direction of the parish-priest. Their particular duties are known from the diocesan statutes, the letters of the Ordinary, and the commission of the pastor. Regularly, they are bound to reside in the parish rectory and to assist the pastor or supply for him in all the parish work, the Mass *pro populo* excepted (Canon 476).

**2608. The Duty of Charity to the Poor.**—(a) According to Canon Law all beneficed clergy (Cardinals excepted) must give all the superfluous fruits of their benefice to charitable or pious causes (Canon 1473). But it is an extremely strict view which holds that all the secular clergy are beneficed.

(b) According to the divine law of charity (see **1226, 1252**) even the unbeneficed clergy have the duty of giving alms from their surplus wealth. Thus, it would be unmerciful if a clergyman spent on himself all the fortune he had inherited from his relatives without thought of the poor; it would be often a source of scandal if a priest enriched his relatives with money received in ministerial ways, but left nothing to pious causes.

**2609. Canon 1473 on the Disposition of Superfluous Wealth by Beneficed Clergy.**—(a) *The Money to be Spent.*—The Canon does not refer to the property of the Church (*i.e.*, the foundation or endowment of the benefice), for of this the beneficed clergyman is only the administrator, and he would be unjust if he alienated its funds to other purposes; nor does it refer to the clergyman's own property, such as goods received by inheritance or other profane title (*patrimonialia*), or by title of personal ministerial service, such as stipends and fees (*quasi-patrimonialia*). It refers, then, to the revenues of the benefice (*e.g.*, the bishop's or pastor's salary) and to the amount that is left over after the deduction of all reasonable and customary expenses that have been made, or could have been made for decent personal support.

(b) *The Use of Surplus Money.*—The alms should be given to any pious or charitable cause, such as the promotion of divine worship, the assistance of needy missions, the spiritual or corporal works of mercy. The cleric is free to bestow his gift either during his lifetime (which is better) or to leave it in his will.

**2610. The Obligation of Canon 1473.**—(a) The obligation is most probably not one of justice, since the holder of the benefice owns the superfluous fruits, but one of obedience to the Church. Some authors also consider this precept as binding in virtue of religion and charity, and regard its violation as a sacrilege or sin against charity. The holder of the benefice is not held to restitution, however, since neglect of the precept is not an injustice. As to his successors through gift *inter vivos* or testament, they are not bound to give the superfluities as an alms, since the church precept was for the cleric himself. Successors to an intestate should observe the wishes of the deceased, but, if the character of the goods they inherit is doubtful, they may usually be left in good faith.

(b) The obligation is grave, since it is commanded as an act of religion, or at least as an act of obedience in a very important matter. From the time of the Apostles it was customary to distribute to the poor what was left over of the goods of the Church, and the clergy were regarded as the fathers and protectors of the needy. Again, since the goods of a benefice originated in gifts offered to God Himself, it is most becoming that their superfluities be devoted to the causes most pleasing to God. Grave matter would be three times the amount required in theft, because a violation of this precept is not the taking of what is not one's own, but the using in a forbidden way of what is one's own.

**2611. The Special Duties of Religious.**—The particular obligations of religious are declared in the proper rules of the various institutes, just as the particular obligations of the secular clergy are set forth in the statutes of local synods and councils. We shall outline here only the general obligations of religious, to which they are held by the common law of the Church.

(a) By reason of his profession, a religious is obliged to strive after the perfection of charity (see **1560, 367**) through the religious life, that is, by means of the rules and constitutions of his own institute (Canon 593). All religious, superiors and subjects, are bound to observe their laws, but *per se* these laws oblige under penalty, not under sin (see **570**). *Per accidens,* however, the transgression of rule or constitutions may be sinful, as when the matter belongs also to divine or church law or to the observance of a vow, or when the transgression includes contempt, scandal, or demoralization of discipline.

(b) By reason of the vows, a religious is obliged to follow the three evangelical counsels (see **2191 sqq.**) and any other vows of his institute according to his rule (*e.g.,* poverty is a renunciation of even community possession in some rules and of individual possession in others). The vows oblige *per se* under grave sin, on account of the duty of religion (see **2209**) and the intention of the religious to bind himself gravely; but there may be venial sin on account of imperfection of act or lightness of matter.

**2612. The Obligation of the Three Principal Vows.**—(a) *Poverty* is a renunciation of the independent use of external corporal goods, such as money and lands and chattels (simple vow), or also of the radical dominion (see **1697**) or right of ownership of such goods (solemn vow). Grave matter in the unjust violation of poverty seems to be the same as in other acts of unjust damage or acquisition, and hence in thefts from outsiders a less amount is grave matter, in domestic thefts from the monastery a greater sum is required (see **1900, 1903**). Grave matter in the violation of poverty that is not unjust (*e.g.,* in use of money without permission) seems to be the same as absolutely grave matter for thefts, unless the constitutions rule otherwise; but grave matter here does not coalesce from many small violations. The virtue, but not the vow, of poverty is offended by purely internal acts (*e.g.,* attachment to wealth), and there is no offense at all in dominion over spirituals (such as fame, good reputation) which are not renounced by the vow of poverty, and in certain acts of disposition (*e.g.,* acceptance of deposit, distribution of alms) or proprietorship (*e.g.,* of manuscripts) permitted by rule.

(b) *Chastity* is a renunciation of all venereal pleasure, internal and external, lawful and unlawful. Grave matter is the same as for the virtue of chastity, but the vow could be violated without the violation of the virtue (*e.g.,* in the use of marriage by one simply professed). For the protection of this vow the Church has made the law of cloister, which forbids under certain conditions the entrance of outsiders into a religious house or the egress of the religious (Canons 547, 598, 600–604, 679, 2342).

(c) *Obedience* is the renunciation of one's own will with the duty of submission to commands of a Superior given according to the rules and constitutions. There is grave matter against the vow if one disobeys in an important matter imposed by the Superior in the name of obedience and according to the rite prescribed by the rule or constitutions (see **2364**). The virtue, but not the vow, is offended by internal insubordination (see **2357**); neither virtue nor vow is offended when a Superior commands what is *above* the rule (*e.g.,* the accomplishment of the impossible, heroic acts that do not pertain to the nature of the institute), or *against* the rule, unless he has power to dispense, or probably what is *beneath* the rule (such as things manifestly ridiculous and useless). Since obedience is vowed to the precepts of the Superior, the vow is not broken by transgression of points of the rule not expressly included under the vow, nor by transgressions of the general precepts of God and the Church.

## Art. 2: THE DUTIES OF MEMBERS OF DOMESTIC AND CIVIL SOCIETY

**2613. The Duties of Husbands and Wives.**—Conjugal obligations may be classed under three heads according to the three ends of marriage.

(a) Thus, the first blessing of marriage is *offspring,* and this imposes upon parents the obligation of providing for their children and of training them in mind and will (see **2630 sqq.**).

(b) The second blessing of marriage is *fidelity* to the engagement made by husband and wife to deliver to each other exclusive power over their bodies for procreation (conjugal debt) and to love each other with a special but pure affection: "The wife hath not power of her own body, but the husband; and in like manner the husband hath not power of his own body but the wife" (I Cor., vii. 4); "Husbands, love your wives as Christ also loved the Church" (Eph., v. 25). Conjugal love admits no rivals; the husband must prefer his wife to every other woman, and the wife likewise must think more of her husband than of any other man (see **1179**).

(c) The third blessing of marriage is the *Sacrament* or the unbreakable bond of marriage: "The Lord commanded that the wife depart not from the husband, and if she depart that she remain unmarried, or be reconciled to her husband. And let not the husband put away his wife" (I Cor., vii. 10). This imposes the duties of a permanent domestic society in which the spouses dwell together permanently and each has certain special functions of assistance to the other.

**2614. The Obligation of Paying the Conjugal Debt.**—(a) The duty is one of justice, since it arises from the contract of marriage, in which the parties freely and solemnly bind themselves to it as the subject-matter of their pact.

(b) The obligation is grave, since the marriage contract is one of the most momentous of human agreements, its direct end being the propagation of the race, while the denial of its essential right is productive of most serious evils, such as incontinence, scandals and the disruption of families. There is light matter, however, as when the request is not imperative, or the denial is infrequent and without danger of incontinence.

**2615. Absence of Obligation.**—The obligation of paying the conjugal debt does not exist, however, when the right to make the request has been lost or when the request is unreasonable.

(a) Thus, the right to make the request is *lost* when one party has broken faith by committing adultery and has not been forgiven by the innocent party, and also when one party is incapable (*e.g.*, on account of insanity or drunkenness) of asking in a rational manner.

(b) The request is *unreasonable,* first, when it is immoderate (*e.g.,* when it cannot be granted without serious and unusual detriment to health, or without danger of death, or without likelihood of abortion or other great harm to a child conceived or to be conceived); secondly, when it is seductive (*e.g.,* when it is an invitation to commit onanism).

**2616. Suspension of Obligation.**—The obligation of granting and the right of requesting conjugal relations are suspended when the marriage is discovered to be null and uncertain.

(a) Thus, if the marriage is certainly null, abstinence is necessary until the marriage is made valid; otherwise the parties are guilty of fornication. But if nullity is due to a merely ecclesiastical impediment, the impediment probably ceases in cases of most grave inconvenience when the nullity is known to only one spouse and the dispensation cannot be obtained at once.

(b) If the marriage is only doubtfully null, abstinence is not necessary unless both parties have a serious doubt and no examination has yet been made. Light doubts should not be considered, nor doubts that have not been corroborated by investigation; while, if only one party doubts, he or she cannot refuse the debt lest injustice be done the other.

**2617. Is There an Obligation of Requesting Conjugal Intercourse?**—(a) *Per se,* there is no obligation, since one may lawfully decide not to enjoy one's right, and not to use what belongs to one. As man and wife were free to marry or not to marry, so are they free to agree either to consummate or not consummate marriage. It is even lawful for married people to contract together to abstain temporarily or permanently from marriage relations (*e.g.,* for the sake of health, or of economy, or of mortification). By mutual consent one or both may make a vow of chastity, as was done by St. Joseph and the Blessed Virgin, or the husband may enter the priesthood and the wife become a nun.

(b) *Per accidens,* there is often an obligation of requesting intercourse, for experience shows that continual non-use of marriage often leads to incontinence or to loss of affection (see **2228**).

**2618. The Morality of Venereal Acts of Marriage.**—(a) *Non-consummated Acts.*—These acts, whether internal or external, are lawful *per se* when they are used only as accessories to the act of marriage or as means to foster or preserve conjugal love, for the acts are meant by God to serve the purposes mentioned (**2510**). But *per accidens* there may be venial sin, on account of inordinateness in the motive (*i.e.,* when only pleasure is intended), or in the manner (*i.e.,* when due decency is not observed). There is mortal sin when these acts are not referred to the lawful conjugal act, but either directly or indirectly to pollution, namely, when there is foreseen proximate danger of pollution and the acts are either solitary or coöperative but performed without sufficient reason (such as expressions of special affection), for pollution is gravely sinful in the married, as well as in the single state (see **2539 sqq.**).

(b) *Natural Consummated Act.*—This act in itself is not only lawful, but meritorious, because it exercises such virtues as obedience (Gen., i. 28), justice (I Cor., vii. 3 sqq.), and love of the common good and religion (Tob., viii. 9). Since marriage intercourse has for its ends not only reproduction, but also the expression of mutual love and the allaying of concupiscence, it is lawful even when conception is impossible or less probable, as when the parties are sterile, or the woman is pregnant, or during the so-called agenesic period (between the fifteenth day after the beginning of one menstruation and the fifth day before the beginning of another), or at the time of lactation. It is a venial sin to exercise the conjugal act when one excludes every motive except that of pleasure (Denzinger, n. 1159); and there may be even mortal sin on account of circumstances, such as place (*e.g.,* scandal to others present), manner (*e.g.,* external immoderation, internal desire of another person), evil consequences (*e.g.,* when one of the parties has a contagious or venereal disease, when abortion will likely result, when the wife has just given birth to a child or is having the menses and will be seriously injured in health). The conjugal act is less becoming, though not illicit, on Sundays, holydays, or days of Communion (I Cor., vii. 5).

(c) *Unnatural Consummated Acts.*—Pollution is mortally sinful (**2535 sqq.**), and is worse in married than in single persons, as being an injury to the faith pledged in marriage; and hence it is not lawful to practise it even for the purpose of artificial fecundation. Rectal copulation is also gravely sinful, being unnatural lust (see **2534**) and a violation of conjugal faith. The usual forms of unnatural vaginal coition, which are very much practised today, are contraceptive in purpose, and are of two general kinds in the procedure—the physiological or preventive, which uses instruments to keep the semen from the uterus (such as sponges or pessaries for the female, condons or protectors for the male), or which employs douches or syringes to remove semen from the vagina, or uses chemicals to devitalize it.

**2619. Nota.**—(a) Non habetur onanismus, nec peccatum, si copula abrumpitur, ex necessitate (v.g., ad vitandum scandalum personæ inopinate supervenientis), vel ex utilitate, mutuo dato consensu et periculo pollutionis excluso; nam seminatio extra vas, aut involuntaria est, aut nulla.

(b) Non habetur contraceptio nec peccatum, sed potius actus honestus, si, ob defectum physicum viri vel mulieris, naturæ adjuvetur mediis artificialibus ut copula fiat, vel ut semen introducatur in uterum; nam fini matrimonii non obstat, sed obsecundat iste modus agendi.

**2620. Contraception.**—Contraception in all its forms (onanism, condonism, vaginal irrigation, spermatocide) is a grave crime.

(a) *It is an Injury to God.*—Marriage was instituted by God to propagate the human race (Gen., i. 27, 28) and to bless homes with children (Ps. cxxvi, cxxvii), and He has made it a sacred institution and a Sacrament. Contraception defeats the ends of marriage and degrades it to the level of a mere instrument of carnal gratification. The hatred of God for this sin appears in general from the horror with which Scripture speaks of unnatural lust, and in particular from the case of Onan, whose sin is called detestable and whom God slew in punishment (Gen., xxxviii. 10).

(b) *It is an Injury to Society.*—The perpetuation of the human race is endangered as soon as marriage is abused as to its natural end. Hence, after the crime of homicide which destroys human life already in existence, contraception seems to rank next in enormity, since it prevents human life from coming into existence. This vice spreads moral degeneracy and decay from the home itself, and is rightly called race-suicide, since it depopulates and destroys the nation by the act of its own people.

(c) *It is an Injury to the Family.*—The happiness and success of the home depend chiefly on the respect which its members have one for the other and on the cultivation of the sturdy virtues that strengthen character. The husband and wife who practise onanism or other similar carnal vices cannot have the mutual respect they should have; the wife is deprived of the treasure of her modesty and is treated as a prostitute rather than as an honored wife and mother, and the husband is brutalized by the removal of the natural restraint to his sex passion. Such self-indulgent persons will either selfishly neglect the one or two children they may have, or will spoil them for life by the luxury and laziness in which they are reared.

(d) *It is an Injury to the Individual.*—As concerns the body, there is a perversion of the sex act from its definite use and specific end, and hence contraception has been described as "reciprocal masturbation." As regards the soul, its higher goods of will and intellect are subordinated by the contraceptionist to the delight of passion, the lower impulses are greatly strengthened and self-control made more and more difficult, and the spiritual objectives that should prompt a rational creature are sacrificed for the passing gratification that moves the beasts.

**2621. Some Arguments of Neo-Malthusians and Other Advocates of Contraception.**—(a) *Necessity for the Individual.*—"This practice is demanded by comfort (*e.g.,* in order to have a good and easy time, to have more opportunity for pleasures and occupations outside the home, to preserve form and beauty, to escape the troubles of child-bearing and child-rearing), or by utility (*e.g.,* in order that suffering wives be freed from the slavery of excessive child-bearing, in order that children receive more attention and care than is possible in large families).'' This argument from comfort is unworthy of any but a pagan or materialist, for the end of existence is something higher than pleasure or escape from all hardship. But even if happiness alone be considered, the childless home is not the most cheerful, and it often happens that parents who have sinfully limited their parenthood will lose an only child and be left sterile and desolate. The argument from utility proves only that sometimes (not often) it is inadvisable for a couple to have any or many children, but it does not prove that family limitation through means forbidden by the laws of God and of nature is permissible. The normal woman is not harmed but helped by child-bearing, whereas onanism and other unnatural vices are fearfully damaging both to mental and physical health. Experience too shows that mothers of five or more children live longer, and that children from large families are very often superior in qualities and achievements and stand a better chance in life. Exceptions only emphasize the rule.

(b) *Necessity for the Family.*—''Large families are impossible to many persons because the high cost of children today (expenses for clothing, food, medical care, schooling, etc.) is beyond their means.'' The inability to support many children is often due to extravagance or to insufficient wages, and the remedy lies in prudent economy or in improvement of the economic condition of workers, not in the abuse of marriage. The weakness of the objection is shown from the fact that race-suicide is more common among the well-to-do than among the poorer classes. However, in a genuine case of inability to maintain a large family, limitation of children is a duty, but not by means of the sin of contraception or onanism.

(c) *Necessity for the Community.*—''The cause of unemployment, destitution, famine and war is the overpopulation of the world. Moreover, if the poorer classes would practise contraception and the better-to-do classes have larger families, the standard of living of the former would be raised, the culture of the latter would be preserved, and the quality of the whole race be greatly improved.'' The resources of the earth are easily adequate to support many times the present population, and the misfortunes referred to are due, not to the number of people who inhabit the earth, but to accident or to human greed or imprudence. The eugenic argument is a vain dream, for the history of nations and modern facts show that the ideal of race improvement makes little appeal when the easier way of indulgence has been learned. As said above, it is the wealthy and educated classes who have the fewest children.

(d) *Necessity of a Moral Kind.*—''Contraception is a useful control of nature similar to that employed by physicians, surgeons and other scientists; it is not a contradiction of nature, since it preserves the end of the sexual faculty in expressing physical love. The motives of those who use it are not necessarily carnal, but may be of a very Christian kind (*e.g.,* the need of limitation of family in order the better to practise one's vocation, or in order to spare one's wife, or to keep her from abortion), and they may sincerely believe it to be lawful.'' Contraception does not control, but defeats nature, by voluntarily frustrating the primary end which nature has in view, and, if permitted, it logically leads to every kind of sensual indulgence. The motives or conscience of those who use it cannot change its character, for the end does not justify the means and a wrong conscience does not change the law. Those who have not been spoiled or misled by contraceptive propaganda or advice, instinctively regard artificial birth-control as well as onanism with disgust.

**2622. Is Birth-Control Ever Lawful?**—(a) If this refers to an *end* (*viz.,* the limitation of the number of children or the spacing of their arrival), it is not unlawful in itself (see **2617**); and it is sometimes a duty, as when the wife is in very poor health or the family is unable to take care of more. But in view of the decline and deterioration in populations today, it seems that couples who are able to bring up children well should consider it a duty to the common welfare to have at least four children, and it should be easy for many to have at least a dozen children. The example of those married persons of means who are unable to have a number of children of their own, but who adopt or raise orphaned little ones, is very commendable.

(b) If birth control refers to a *means* of family limitation, it is lawful when that means is continence or abstinence from marital relations, not if it is onanism or the use of mechanical or chemical means to prevent conception. The objection that husbands cannot restrain themselves is really an insult to God's grace and is contradicted by numerous facts. A man of manly character should be ashamed to admit that he is the slave of passion, and the fact that God commands chastity and that millions obey Him both in the wedded and single state is sufficient proof that, even though hard, sexual abstinence is not impossible, if there is a real resolve and the right means are employed, such as rooming apart and concentration on other and higher things (see **2497** sqq.).

**2623. Cooperatio Uxoris ad Onanismum vel Contraceptionem.**—(a) Cooperatio formalis graviter illicita est, quum includat approbationem ipsius peccati. Unde graviter peccat uxor quæ suis quæremoniis de molestiis graviditatis virum cogit ad congressum onanisticum, vel quæ nec interdum conatur eum avertere ab iniquo consilio onanistice congrediendi, vel quæ active adjuvat abruptionem copulæ, vel quæ interne guadet de ipso peccato (**1513**).

(b) Cooperatio materialis ad onanismum ex gravi causa (*e.g.*, ex metu fundato rixarum, molestæ cohabitationis, adulterii viri) licet; nam actio mulieris, scil. copulam habere naturalem, honesta est, atque causa sufficiens adest permittendi abusum factum a comparte (**1515 sqq.**). Imo uxor debitum petere potest a suo viro onanistico, si secus diu abstinere cogeretur ab omni usu conjugii cum periculo incontinentiæ, quia caritas erga virum non obligat ad abstinentiam cum tanto incommodo.

(c) Cooperatio mere materialis ad contraceptionem, non videtur possibilis; nam copula contraceptiva est intrinsece et ab initio mala (**1517, 1527**). Unde uxori nec petere debitum licet, nec passive se habere. Sed qualibet vice tenetur positive pro viribus resistere. Sin autem gravissima causa sit actum permit-

tendi, ut puta periculum mortis, eam tantum resistentiam opponere debet ad quam obligatur virgo oppressa (**2497**), consensu ut patet denegato.

**2624. Recapitulatio de Licitis et Illicitis in Conjugio.**—(a) Illicita graviter sunt extra matrimonium facta, v.g., mœchia, mollities solitaria, alienæ conjugis concupiscentia; sed probabiliter actus imperfecti et solitarii in proprium corpus exerciti leve non excedunt, citra periculum pollutionis, siquidem in delectationem veneream quæ in conjugio licita est natura sua ordinentur, sicque minus indecentes fiant.

(b) Illicita graviter sunt intra matrimonium facta sed contra finem, i.e., naturæ matrimonii seu generationi prolis repugnantia, ut sunt pollutio mutua, onanismus, impudicitia quæ non in copulam sed in pollutionem tendit.

(c) Illicita leviter sunt intra matrimonium facta sed præter finem, i.e., quæ generationi nec prosunt, nec obsunt, sed in circumstantiis aliquam præ se ferunt inordinationem (e.g., copula ob solam voluptatem habita), imprudentiam (e.g., copula tempore parum apto habita), immoderantiam (e.g., impudicitia pudori nociva, situs innaturalis, ut si stent vel vir succubet, ex levitate electus).

(d) Licita sunt intra matrimonium facta, quæ tum ex parte objecti (scil., quia actus ordinatur ad finem matrimonii), tum ex parte circumstantiarum (scil., quia debito tempore, loco, modo, etc., ut prudentia exigit, exercentur) rationi rectæ concordant. Unde non peccant conjuges sibi licita concupiscendo vel de iis gaudendo. Immo mulier onanistæ licite cooperata non est peccati arguenda si gavisa sit de ipsa copula vel de bonis ejus effectibus, vel (saltem quando probabile videtur se semen excipisse) si ad completam voluptatem se excitaverit.

**2625. Regulæ pro Confessariis.**—(a) *Interrogationes.*—Si nulla ratio est suspicandi copulam modo innaturali exerceri, præstat ut plurimum de circumstantiis (v.g., de motivo copulæ) non quærere, ne conjuges tædio afficiantur vel bona fide inutiliter priventur. Si tamen fundata suspicio est abusum matrimonii celari, hac de re confessarius inquirere debet, sed prudenter, ne scandalo sit pœnitentibus verbis indiscretis.

(b) *Monitiones.*—Si deprehenditur pœnitentem onanistam esse, per se severe reprehendendus est (quod de viro præsertim dicitur) nec absolvendus nisi signa contritionis prius dederit; per accidens autem, si datur ignorantia invincibilis et monitio nullatenus profutura prævidetur, pœnitens in bona fide relinquatur.

**2626. Marriage as a Sacrament.**—The third benefit of marriage is that of the Sacrament. The union of man and wife is not merely a physical union, but also a social one, and it should be modelled on the union of Christ and the Church: "This is a great sacrament; but I speak in Christ and the Church" (Eph., v. 32).

(a) Christ abides with the Church, and so the husband should dwell with his wife (Matt., xix. 5). The cohabitation of the parties is demanded by the very nature of the promises made in marriage, and hence it is wrong for the husband to be absent from the home for notable periods of time, or, what is worse, to drive his wife from home—or vice versa. Grave reasons and mutual consent justify long absences, as when the husband is called away on distant business; but, if he goes away for a considerable part of the year, he should, if possible, take his wife with him, or visit or write to her frequently. Very grave reasons suffice for obtaining a separation, either permanent, on account of adultery, or during the continuance of the reason, as when there is serious unhappiness (Canons 1128 sqq.).

(b) Christ is the head of the Church, and so also the husband is superior to the wife in authority (Eph., v. 23). Ordinarily man excels in the qualities suited for rule of the home (such as physical strength, decision, courage), and hence as every society, no matter how small, must have a head, the husband is the natural head of the home. But obedience is due a husband in domestic matters in which he is head of the house—for example, the choice of the place of residence, the management of the family income, the discipline of the children, but not in the wife's personal affairs (*e.g.*, her conscience, her politics, her property) —and only in commands that do not exceed his authority, for he has no power to command if he is irrational, and he has no claim to obedience if he orders something sinful or foolish. Moreover, since the wife is a partner and not a servant, and since she usually excels as sympathetic and wise adviser and careful household manager and is naturally more virtuous, the husband should consult with her on important family questions and decide them as far as possible by mutual consent, and should gladly leave to her sole control and direction the many things in which she is more competent than himself.

(c) Christ gave Himself for the Church (Eph., v. 25), and so also the husband has the duty of providing for his wife, spiritually and temporally. Usually the man should attend to the external affairs of the family (such as its support and protection), while the wife should take care of the internal affairs (such as the housekeeping and the training of the children). It is to be regretted that the smallness of the husband's salary often compels the wife to work outside her home. Women should not be compelled to take up occupations unsuited to their sex, much less those that interfere with the supreme duty of motherhood. Injury done the common personal goods of husband and wife by one of them is unjust, if due to illegal action; it is at least uncharitable, if due to carelessness. The family goods are usually under the control of the head of the family. The wife has no right to use the earnings of her husband without his consent, unless he fails to provide suitably for his family, or uses his money extravagantly.

**2627. The Duties of Persons Engaged to Marry.**—We shall speak first of the duty of entering into a nuptial engagement, and next of the duties which engagement imposes.

(a) *Per se*, there is no obligation for an individual to marry, for the need of marriage is not a personal but a social one, and social duties do not all fall upon each particular person. Each person must take necessary food, for without it the individual perishes, and eating is thus an individual duty; but each person need not be a soldier, or farmer, or builder, or merchant, or married; for it suffices that these offices be fulfilled, one by one individual, another by another. Indeed, if marriage is an impediment to a more urgent good of the common welfare (*e.g.*, perilous public service incompatible with married life), or of private good (*e.g.,* the duty of maintaining parents, the wish to remain single because one feels oneself unsuited for marriage or called to continence), marriage should not be chosen.

(b) *Per accidens,* there is sometimes a duty of marrying on account of public or private necessity. Thus, if the community is depopulated by race-suicide, the public good should move suitable persons to marry in order to assist the birth rate; for, if those are considered slackers who refuse their service or money in war time when the nation is threatened with death from without, are not those also culpable who will not assist a community threatened with extinction from within? Marriage is also obligatory on those who feel that they are unable to live continently, and will be lost unless they marry (I Cor., vii. 9). In case of seduction, marriage is a form of restitution to the injured girl, but since forced marriages are usually unhappy, the injury should be atoned for in some other way if the seducer does not care for the girl or is not desirable himself (see **1803**).

**2628. The Duties Imposed by Engagement to Marry.**—(a) *Before Engagement.*—Courtship is lawful for those who intend to marry, for without it the mutual knowledge which is requisite for a prudent choice is impossible. But courtship should be employed, not as a period of pleasure and extravagance, but as an opportunity for learning the suitability of the parties, one for the other, and their desirability in virtue, religion, sanity, intelligence, health, wealth, position, love of children, sobriety, steadiness, etc. Visits are lawful during courtship, but not the same familiarity as is permissible after engagement. The time of wooing should not be protracted, and as a rule after a year the parties should either become engaged or decide they are not well matched.

(b) *At the Time of the Engagement.*—The parties are gravely bound to make known to each other all personal defects which cannot be concealed without serious injustice, such as the lack of virginity or other quality which one party makes a *conditio sine qua non,* or the presence of a diriment impediment or of a very harmful or displeasing characteristic (such as venereal disease, sterility, disgrace, race, the fact that one is a widow, etc.). There is no duty of justice to manifest defects whose concealment will not be detrimental (such as poverty, lowly origin), but there may be a duty of charity to reveal them, as when their concealment now will lead to an unhappy marriage. As to fornication, the man is not obliged to confess it, unless perhaps when he has an illegitimate child; nor the woman, unless she is actually pregnant, or cannot keep the matter hidden afterwards and can make it known without serious harm to herself (see Self-defamation, **1577**; cfr. **1978, 2132**). But those who have been guilty of these mistakes should undergo a test on the question of physical health.

(c) *During the Engagement.*—Fidelity requires that an engaged person be true to the other party, avoid paying court to a third person (see **2526**), and give the signs of affection that are usual between engaged persons. The relationship between the engaged parties does not give them the right to what is intrinsically evil (*e.g.*, voluntary pollution, proximate danger of consent to sin, continuance in a familiarity which is a proximate occasion of sin), or to what is lawful only to married persons (*e.g.*, intercourse and the liberties pertinent to it). But it does give them the right to manifest their affection by acts indifferent in themselves (*e.g.*, visits which are not private, too frequent, or too prolonged; the decent kisses usual between betrothed lovers on meeting and parting), even though unintentionally pollution may follow (**2538**). Persons who intend to marry soon should acquaint themselves before marriage and from reliable sources with the fundamental physiological facts of sex, so as to avoid the mistakes which often wreck conjugal happiness, beginning with the honeymoon itself; they should have some money or the prospect of being able to support themselves, and the woman should know how to take care of a home.

(d) *At the End of the Engagement.*—A formal promise to marry (Canon 1017) imposes the duty of marriage within a reasonable time (*i.e.*, at the appointed date, or, if no date was fixed, at the time when one of the parties reasonably requests it), unless the engagement be broken (*e.g.*, by mutual consent, by a circumstance that makes marriage impossible, such as marriage to a third party or choice of the clerical state; or unnecessary, such as the fulfillment of a resolutory condition, supervening impediment, Papal dispensation given for a just cause); or unless one of the parties has a right not to keep the engagement on account of a notable change in the circumstances, or a breach of faith, or opposition of parents that will make the marriage inadvisable, etc. The obligation to marry is one of justice, and is grave when the contract was bilateral; it is one of fidelity or justice, and grave or light according to the intention of the promisor, when the contract was unilateral (see **1888**). There is no action to enforce an engagement, for forced marriages are unwise (Canon 1017, n. 3); and in practice confessors and pastors should not insist on fulfillment of the promise. But damages can be sued for, and the confessor should deny absolution to one who refuses to make just restitution in a case of breach of promise (see **1803**). An informal promise to marry (*i.e.*, one invalid naturally or positively) produces no obligation to marry in either forum (see **454**); but it does produce a duty of restitution in breach of promise, if there was force, fraud, or deceit.

**2629. Conditions for the Signs of Affection between Engaged Persons.**—(a) Objectively, these signs must be suited to the condition of merely engaged, not of married persons. Brief and modest kisses are proper for lovers, but greater intimacy, such as long and lone conversations in secluded spots, are wrong. The chaster the relations between the betrothed, the less occasion for future regrets and recriminations. "Petting" purchases a cheap physical thrill or excitement at the cost of present moral danger for two persons, of the degradation of love to its lowest expression, and of loss of self-respect, with the probable risk of a future ill-fated marital career ending speedily in disillusionment and divorce. It is essentially selfish and unwise.

(b) Subjectively, the signs of affection must not be a proximate occasion of sin; nor may they be accompanied by consent to sin, or be used for the sake of venereal pleasure. Joy at the thought of future marriage intercourse and sensual pleasure in present kisses (**2514**) are in themselves not sinful, but in practice they are as a rule gravely dangerous. Motiones carnales, quales sunt erectiones, signa sunt delectationis venereæ quando conjuguntur cum pollutione vel proxime præviis ad eam; sunt signa delectationis mere sensualis, quando amorem sensibilem sequuntur ex motu sanguinis, quin in resolutionem seminis ex se tendant (**2497** b).

**2630. The Duties of Parents and Children.**—In addition to the duties that belong to all superiors and subjects (see **2635 sqq.**) there are special obligations incumbent on parents and children by reason of the special relationship between them. The duties of the parents are of two kinds.

(a) *Duties of Charity.*—Parents should give their children special love and special signs of affection, as the order of charity requires (see **1158 sqq.**). Hence, those parents sin grievously who hate or curse their children, even the illegitimate or wayward, or who drive the children from home by unkindness.

(b) *Duties of Piety.*—Parents should, as far as they are able, give their children the honor and help that belongs to members of the family (see **2346 sqq.**), though illegitimate children have not the right to dwell in the home of the legitimate children or to share in the family inheritance (see **1803** b). The help owed to children is spiritual and material, and the obligation, which is natural and divine, is most grave (Canon 1113). Spiritual help includes religious and moral training and example (see **867 sqq.**); material help includes food, clothing, lodging, medical care, means to learn a necessary trade, art or profession or to enter marriage or take up a suitable state in life, protection and defense. Parents are bound to help their children, at least in necessities, as long as the latter are in need. Sins are committed also against the unborn (*e.g.*, when the pregnant mother does not take care of her health, or when she is ill-treated by her husband) and young infants (*e.g.*, when the child is unnecessarily suckled by strangers and thus exposed to danger, or is placed in a foundling asylum or other institution because the parents are unwilling to be bothered). On the other hand, those parents sin through excess who spoil or ''sissify'' their children by luxury and idleness, or who are too indulgent to give needed correction and even moderate chastisement.

**2631. Compensation of Children.**—A child, even though subject to parental authority, seems to have a right to compensation for extraordinary services given his parents, and also to at least a fair commision for gains made in the course of extraordinary services for which he is receiving no compensation. In their wills, after satisfying just debts and expenses, parents should leave their offspring who need it enough to maintain their state in life.

**2632. Sex Education of Children.**—(a) *Necessity.*—Some moralists believe that sex education of the young should be *indirect.* They hold that it is dangerous to speak of venereal matters to the young; that silence itself is to them a lesson of modesty; that the practice of piety and mortification, along with parental watchfulness, will keep them pure; that sufficient knowledge will come at the proper time as God will provide. Others reject this theory as opposed to the tradition of the Church as well as to experience. The defenders of *direct* sexual education point to the evil of silence: the bad habits contracted and grown strong before their sinfulness is understood, or the scruples and misery into which ignorance will plunge young people entering the crisis of puberty, the false and corrupt ideas with which unavoidably the minds of the innocent will be indoctrined by immoral companions or physicians, the loss of confidence in parents who have refused important knowledge and advice, and the ruin of innocent lives by seducers which a timely word of warning would have prevented. Hence, there is an invincible ignorance which cannot be removed without direct education, and which is more harmful at least to well-reared children than any evil that may be caused by the education.

(b) *Preparation for Direct Education.*—Training for purity should be directed both to will and intellect, for knowledge without character is powerless against temptation. Children should be trained from the beginning *morally* (*i.e.*, they should be kept as far as possible from sources of contamination; should be taught to have implicit confidence in parents and to bring to them their questions and difficulties; should be trained to practise continual mortification and restraint and to struggle against evil tendencies until the habit of self-control becomes a second nature) and *religiously* (*i.e.*, to use prayer, the Sacraments and other means of grace until they are well formed in piety). This previous moral education and religious conviction will stand on guard as a protection against the suggestions of indulgence which initiation into sex matters may suggest.

(c) *The Subject-Matter of Sex Education.*—The fundamentals of sex instruction include such points as the diversity of sex, its origin from God and its dignity, the beginning of life in plants and animals, the organs of reproduction, the functions of maternity and paternity, the grave reasons that demand sexual morality, respect for womankind, the great sinfulness of masturbation and fornication, the meaning of puberty and its accompaniments in male and female, the possibility and healthfulness of continence, the moral dangers of the world and the social diseases to be guarded against, and the hygienic aids to chastity.

(d) *The Method of Instruction.*—It is clear that not all the details just mentioned can be imparted at one time, for young children would not understand or there would be scandal of little ones; but, while fiction and exaggeration should be avoided, a strictly scientific and technical instruction is not necessary or generally advisable. It is clear also that parents, and especially mothers, are naturally suited for the delicate task of early guardians of chastity, though the later instruction should be supplemented in catechism class, sermon, school, and an individual advice given in confession. It would be impossible in brief space to outline sufficiently a program of sex instruction, but parents and persons who are about to marry should read, study and apply some of the excellent books prepared for their guidance.[1]

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[1] For example, ''Innocence and Ignorance,'' by M. S. Gillet, O.P.; ''Sex Instruction,'' by James J. Walsh, M.D.; ''Sex Facts,'' ''Facts About Marriage,'' and other pamphlets by S. Dana Hubbard, M.D., etc.

**2633. Duties of Children.**—The duties of children to their parents can also be classed under those of charity and piety.

(a) *Duties of Charity.*—Children owe their parents a special internal and external love (see **1176 sqq.**). Those children sin gravely who hate their parents or wish them serious evil, or who treat them with great unkindness or neglect, or bring them great sorrow or worry, or who never visit or write to them.

(b) *Duties of Piety.*—Children must respect and assist their parents (see **2347, 2348**). It is a serious sin to have contempt for one's parents, or to show them serious dishonor in words (*e.g.*, by injurious or mocking names), in signs (*e.g.*, by laughing at them, mimicking them), in deeds (*e.g.*, by striking them, speaking against them), in omission (*e.g.*, by refusing to acknowledge them or show them the usual marks of courtesy). It is not disrespect, however, for a child to dislike or protest against evils done by his parents. The assistance owed to parents is both spiritual and corporal, and children sin when they neglect the religious welfare of their parents (*e.g.*, by not respectfully admonishing them when the parents do not lead a good life, by not obtaining for them the Sacraments, prayers and suffrages they need), or deny them bodily aid (*e.g.*, by refusing them help or comfort when they are poor, persecuted, or suffering). Children who live at home with their parents should contribute from their earnings or individual property to the maintenance of the home, unless the parents do not need this pay and do not wish it. See *Catechism of the Council of Trent,* on the Fourth Commandment (pages 408 sqq.).

**2634. Duties of Near Relatives.**—There are similar duties of charity and piety between other near relatives, for example, between brothers and sisters, grandparents and grandchildren, uncles and aunts and their nephews and nieces, and between first cousins. The obligation seems, to some authors, to be a grave one as far as the second degree of kinship, but is light in the other degrees. The relationship and duty to kin by marriage is not so strong.

**2635. The Duties of Superiors and Subjects: Duties of Superiors.**—Superiors both in domestic and civil society need especially prudence and justice in order to fulfill well their special duties of ruling successfully and lawfully (Jerem., xxiii. 5).

(a) *Prudence.*—If every individual must use wise deliberation, decision and direction to guide himself aright, much more does a ruler, whether of the home or of the State, need these qualities; and hence it is the prudent servant who is placed over his master's household (Matt., xxiv. 45), whereas the imprudent ruler brings confusion upon his community (Is., iii. 4 sqq). Parents, guardians, executives, lawmakers and magistrates are, therefore, bound to fit themselves by competent knowledge of their duties. At the minimum, they must know what constitutes the welfare of their circle or community, and how it should be promoted. For this, in positions of subordinate importance, common sense with good will often suffices, but from those who are heads of large organizations much more is expected. A chief who has to direct a great multitude must have unusual ability and unusual knowledge or unusual quickness to learn from study and conference what measures will safeguard the interests of his body and promote the happiness and prosperity of its members (see **1640 sqq.**).

(b) *Justice.*—In their rule superiors must be lovers of the common good; they must decree, judge and govern according to natural justice and the law; in distributions of burdens and favors they must be guided by fairness to all, avoiding partiality, bribery, peculation and every form of political corruption; in discipline they must conscientiously enforce the right; in personal life they must be a model to their subjects, showing themselves moral, religious, truthful, dignified but approachable and patient (not arrogant, stubborn, sensitive, ill-humored or revengeful), given to work and duty rather than to pleasure and display.

**2636. Duties of Subjects.**—The general duties of subjects to superiors are chiefly honor and obedience (see **2351 sqq.**).

(a) *Honor.*—Honor is owed to superiors on account of their position of authority, which is derived from God, not on account of their personal character, for personally they may be wicked.

It is disrespectful even in a democracy to deny them the honorable address, salutation or courtesy which is customary, or to treat them insultingly by word, manner or writing. But it is not disrespectful to disagree with the personal views of a superior or to seek legitimately his removal from office if he is unfit or less fit.

(b) *Obedience.*—Obedience is owed to superiors and their laws when they strictly command what is not sinful or illegal or outside their authority (see 375 sqq.). Unemancipated children are obliged to obey their parents in all that falls under the parental authority, namely, in what pertains to good morals (*e.g.,* attendance at religious duties, avoidance of bad companions) or the good order of the home (*e.g.,* the hours for meals, the time of retiring, the visitors to be received). But parents have no authority to command fraud or other sin; nor are children under subjection in the matter of taking up a state of life, for this demands liking and fitness, and the command of a superior cannot give liking and fitness. It is a serious sin for parents to force a child to take up religious life or the priesthood, or to marry a certain individual; but a child should yield when his parents are reasonably opposed to his choice of a vocation, as when they need his support, or wish him to test his vocation a little, or know that the person selected for wife will disgrace the family.

**2637. Taxes.**—Citizens owe the government particularly the tribute of taxation, and in war that of military service. Taxes are contributions exacted by the public authority from subjects for the purpose of defraying public expenses or promoting the public welfare.

(a) Thus, they are contributions, and hence a tax is not to be confused with a payment (*e.g.,* fares for passage on government railroads), or with a fine (*e.g.,* pecuniary penalty for evasion of customs).

(b) They are exacted from subjects (*i.e.,* from citizens), who are subject on account of their persons as being members of the State, and from aliens, who are subject on account of their goods, as receiving privileges of residence, commerce, passage, etc.

**2638. Kinds of Taxes.**—There are many kinds of taxes, but they can all be reduced to two general categories.

(a) Direct taxes are those collected from the person on whom the burden is ultimately to fall. Examples are poll or personal taxes and property taxes (such as those on general property, incomes or inheritances), for these charges remain an expense of the taxpayer himself.

(b) Indirect taxes are those collected from a person other than the one on whom the burden is ultimately to fall. Examples are duties imposed on outsiders (such as customs or tariffs, duties raised for revenues, protection, etc.), external revenue taxes imposed on certain acts (such as the manufacture or sale of commodities) or occupations (*e.g.,* licences for trades, sports, etc.). In these the charge falls immediately on the taxpayer, but ultimately on a consumer.

**2639. Just Taxes.**—Tax laws, like other laws, must be just; that is, they must be made by lawful authority and must promote the common good (see **285**). The common good requires that taxes be not imposed except for just reasons, and that there be a fair distribution of the burden.

(a) Just reasons are those of public utility or necessity. A tax would be unjust, if it were levied for unjust or unnecessary purposes.

(b) Fair distribution requires that citizens be assessed according to their ability to pay (sacrifices for the public good, special benefits from the use of a tax fund, etc.).

**2640. Obligation to Pay Taxes.**—The obligation in conscience of just tax laws is admitted by all Catholic authorities.

(a) The teaching of Scripture is quite clear, since Our Lord, in answer to the question whether it were lawful to pay tribute to Cæsar, replied: ''Render to Cæsar the things that are Cæsar's'' (Matt., xxii. 17–21); and St. Paul teaches: ''Be subject of necessity, not only for wrath, but also for conscience' sake. Render therefore to all men their due, tribute to whom tribute is due, custom to whom custom'' (Rom., xiii. 5, 6).

(b) Reason too shows the need of obligation in conscience, for, unless these laws oblige thus, the common good will suffer through lack of money needed for public purposes, and some individuals will be unjustly burdened and others unjustly favored.

**2641. Quality of the Obligation.**—There are various opinions about the quality of the obligation in conscience of taxation laws.

(a) Thus, according to one opinion they oblige in conscience and under sin, that is, as perceptive laws (see **561 sqq.**). For the natural law and justice require that the members of society contribute the necessaries to the social body organized for their benefit, or that the people live up to their implicit contract with their government by giving compensation for the services they receive.

(b) According to another opinion tax laws oblige in conscience only under penalty, that is, as penal laws. The arguments for this view are, first, the sufficiency of the penal obligation (*i.e.*, the heavy fines imposed) for the attainment of the laws' purpose, and, secondly, the common opinion of citizens that they commit no sin by merely evading payment of taxes. Furthermore, it is added that, if these laws were preceptive, conscientious citizens would be under a great disadvantage, for they would be placed in the dilemma of either acting against their conscience and committing sin or of paying more than their due on account of the neglect of tax dues by citizens who are not conscientious. This opinion is a new one, and its reasons are not convincing.

(c) According to a third opinion distinction has to be made between different cases. Thus, some hold that laws on direct taxes are preceptive and laws on indirect taxes merely penal, while others say that the kind of obligation depends on the will of the lawgiver, and that tax laws that are preceptive in one country may be only penal in another. If tax laws are merely penal, there is no obligation of restitution, but there is an obligation of payment and of penalty after sentence.

**2642. Obedience to Tax Laws.**—Obedience to just laws is owed either from legal justice alone, or also from commutative justice with the burden of restitution. There are various opinions about the case of tax laws.

(a) According to the traditional opinion, the obligation is one of commutative justice, because there is an implicit contract between the government and the people, in virtue of which the former is bound to provide for the safety of the people at home and abroad and to secure those things that are necessary for the common welfare (such as roads, postal service, etc.), while the latter are bound in return to pay the expenses of the government.

(b) According to a recent opinion, the obligation is one of legal justice only, because the imposition of taxes is an exercise of authority by the government, and taxes themselves have the character of a tribute from the part to the whole rather than of a wage or payment. Hence, though he who evades taxes is not held to restitution, he sins against justice, and sins gravely if the matter is considerable.

(c) According to other opinions, tax laws oblige sometimes from legal, sometimes from commutative justice. Thus, some admit that in feudal times there was a contract between the governed and the ruler, and therefore an obligation of commutative justice to give services and taxes; but in modern times they say there is no such contract, and the duties of ruler and subjects rest on natural law and legal justice, not on any compact. Others again distinguish between the obligation before the quota has been determined, which is the duty of legal justice to declare properly the value of one's property, and the obligation after assessment, which is a duty of commutative justice to pay just tax bills.

**2643. The Duty of Exercising the Electoral Franchise.**—(a) There is a grave duty of using the privilege granted to citizens of voting in public elections, and especially primaries; for the welfare of the community and the moral, intellectual and physical good of individuals depend on the kind of men who are nominated or chosen to rule, and on the ticket platforms voted for. Hence, those who neglect to vote coöperate negatively with a serious harm (*viz.*, evil in power), or at least with public unconcern about public matters—for example, those who neglect through laziness or indifference to condemn by their vote. A grave inconvenience (*e.g.*, sickness, ostracism, exile, persecution), but not a slight inconvenience (such as loss of time, trouble, ridicule), excuses from the duty; for an affirmative law has exceptions. Neither is there an obligation to vote when an election is a mere formality, as when there is but one candidate or party.

(b) The duty is not one of commutative justice, as the ballot is either a privilege, or a thing commanded by authority, but not a service to which the citizen has bound himself by contract or office. The obligation is, therefore, one of legal justice, arising from the fact that the common weal is everybody's business and responsibility, especially in a republic. Hence, representatives of the people who by abstention from voting cause a serious damage which they were bound *ex officio* to prevent, are guilty of commutative injustice and are held to restitution; but a citizen who stays away from the polls sins, and perhaps gravely, against legal justice, though there is no duty of restitution for the damages that result. Moreover, in a general election the vote of one citizen is usually not of decisive influence, and citizens do not make themselves responsible for all the acts of their representatives.

**2644. Manner of Voting.**—(a) *Object.*—It is not necessary to vote for the best candidate, provided one votes for a person who is fitted by character, ability, record, experience, etc. for the office, and gives indications, not merely promises, that he will serve the community well. But in certain ecclesiastical elections the voters must take oath beforehand to vote, not only for a worthy candidate, but also for the person whom they honestly think, all things considered, most worthy. In minor offices (such as constable or town clerk) it suffices that the candidate be known as conscientious; but in major offices (such as President, governor, congressman, legislator, or judge) the party principles for which he stands have to be considered chiefly. *Per accidens*, it is lawful to vote for an unworthy candidate when this is necessary to prevent a greater evil, as when the opposing candidate is much worse, or a good ticket cannot be elected unless some less worthy candidates are included.

(b) *Purpose.*—The end which the voter should have in mind is the good of the public, and hence it is not right to vote for candidates solely or chiefly because they are personal friends, members of one's own race, organization or religion, or because one wishes to gain favor or escape enmity.

(c) *Circumstances.*—The voter must avoid all that is contrary to natural law (*e.g.,* selling of votes, repeating, stuffing ballot boxes) or positive law (*e.g.,* state laws require not only citizenship and a period of previous residence, but also other conditions such as registration and freedom from bribery and other election crimes). The opinion that politics is necessarily corrupt, and that all is fair that helps to win, is a false and pernicious doctrine. The conditions for ecclesiastical elections are given in Canons 160 sqq.

**2645. Obligation to Seek Office.**—A worthy man should run for office in the following case: (a) when the public good calls for his candidacy (*e.g.,* when his election or candidacy will avert serious evils, and there is no one else so available); and (b) there is no grave impediment to his candidacy (such as supremely important private affairs or ill-health that makes it impossible to run).

**2646. Duties of Employers and Employees.**—Between employers and their domestic servants or workingmen there are general mutual duties as between superiors and subjects, and special mutual duties as between parties to an explicit and implicit contract. Of these latter duties we shall now speak.

**2647. Duties of Employers.**—(a) *Justice.*—The labor assigned must not be excessive (*e.g.,* unduly perilous, exhausting, protracted) or injurious (*e.g.,* harmful to religion or morals, an unreasonable impediment to marriage, to cultural opportunity or amusement); the wage paid must be just (*i.e.,* one that will enable the worker to support himself and his family in reasonable comfort) and equitable (*i.e.,* one that rewards special merit and service by pensions or additional compensation); the terms of the contract must be observed (*e.g.,* arbitrary lowering of wages or dismissal are unjust).

(b) *Charity.*—Liberality should be shown by preference to employees, since they have a special claim on the employer's good will. The employer should consider that he is responsible for the spiritual betterment and material improvement of his workers, and should have them in mind when making contributions to religious, educational or special causes, so that his own employees will benefit in particular by his gifts to these worthy causes. Interest in trade schools and insurance against sickness and unemployment are especially deserving of his assistance.

**2648. Duties of Employees.**—(a) *Justice.*—Workers are bound to give a fair return in quantity and quality of labor for the pay they receive, and to be loyal to their employer as regards his person, reputation, and property. Hence, it is unjust to loaf or come late or leave early, to turn out work too slowly or of an inferior grade, to damage machinery or property, to waste food or provisions, to act as a household spy or informer, to try to extort what is not due.

(b) *Charity.*—Workers should be willing even at the expense of some right or of some slight loss to help an employer who is in grave necessity; for example, it would be uncharitable for farm hands to stop work promptly on time when this will cause a serious damage to the farmer's crop, or for a cook to leave on her free day when her mistress is very sick and will be left alone.

**2649. Labor Disputes between Employers and Employees.**—(a) In themselves these disputes are indifferent, as they are a species of industrial war (see **1380 sqq.**) or of industrial self-defense (**1826 sqq.**). If the end, the means and the circumstances are not against right reason, the disputes are lawful or even laudable.

(b) In the concrete, these disputes are frequently gravely sinful. The end is sinful when one side aims to get an unfair advantage of or to ruin the other; the means are sinful when the private interest of the contestants is placed above the public peace or welfare, or recourse is had to violence, murder, or starvation; the circumstances are wrong, when one party wrecks its own business, or sacrifices its own dependents or third parties rather than compromise or arbitrate in a strike, boycott, lockout, wage controversy, etc.

**2650. Is There Any Obligation of Giving Employment?**—(a) The State certainly has an obligation in legal justice of offering opportunities of work to those who cannot find it, if the public welfare is compromised by widespread unemployment. Even if only one worker were without work through no fault of his own, the duty of helping him would seem to devolve on the State, since the laborer has a right to work and the State has the duty of promoting the temporal welfare of its subjects when they are unable to provide for themselves.

(b) Employers have a duty of commutative justice to give work to men with whom they have made a contract of labor and not to keep work from men unfairly; hence, arbitrary dismissal or blacklisting is a crime against justice. They should also try to secure other employment for good workers whom they are unable to keep, so as to tide over for the men the slack seasons when some have to be laid off. Industry, organized labor and individuals should interest themselves practically in private movements and plans to remedy unemployment situations, for these are matters that should not be left entirely to the State and charity. Employment and honest wages are in the long run to the advantage of employers as well as of employees, and are therefore good business as well as good morals.

**2651. Duties of Certain Professions.**—(a) *Judges and Lawyers.*—The duties of men of the law were discussed already in **1940 sqq.** Clients on their part owe their lawyers fair treatment and just compensation for services, while those who have part in a judicial process must give respect to the judge and other officials of the court and due obedience to their directions.

(b) *Teachers and Students.*—Teachers must make themselves proficient in their matter and in the art of pedagogy; must take care that their teaching is accurate and beneficial; must be steady, punctual, orderly; must give no example or advice but what is good; must be neither too lenient nor too exacting; must preserve discipline in their classes by correcting, punishing, or expelling as need requires; must be just, neither petting nor bullying, and must award honors and averages according to merit. There may be grave harm and sin in denying important academic degrees (such as S.T.M., S.T.D., J.D.C., M.D.) to the worthy or in conferring them on the unworthy. Students on their part owe to their teachers respect and obedience in class matters, to their parents and themselves diligence in study, and to their school avoidance of cheating and of disorderly conduct. In athletics they should not aim at winning for winning's sake, or playing for playing's sake, but at the true goal of a sound mind in a sound body. In the selection of preferred studies they should remember that nothing worth while is won without hard work, and that the true objectives of learning are not mere utility, or gain or diversion, but the culture of mind and of spirit.

(c) *Physicians, Surgeons, Nurses, and Druggists.*—These persons must have sufficient knowledge and skill, and must keep up with the progress of medical science; they must not deny their services or delay to come when there is urgent need; they must give a case diligence proportionate to its seriousness; they must consult in case of doubt, follow the safer opinions, and use the more likely remedies. In his relations with his patient a doctor must be chaste (*e.g.*, avoiding immoral advice or operations, unnecessary psychoanalytic conversations, or bodily exposures); loyal to the confidences received; honest and charitable, not prescribing useless remedies, or overcharging, or refusing service to the poor; mindful of the religious needs of his patients, being not too ready to exempt them from church duties nor slow to remind them when they should send for the priest. Patients on their part should honor the physician, call him in need, obey his directions, and properly compensate him for his services. What is here said of physicians and surgeons is true also of nurses in their duties and capacities. Pharmacists are bound to exercise great care in filling prescriptions; they should not coöperate with abortion or contraception by selling medicines, instruments or appliances to be used for those purposes; they should not sell drugs, dopes, poisons, liquors, etc., forbidden by law.

## Question IV

## THE SACRAMENTS

**2652.** In the three Questions that preceded we spoke of the means by which man is sanctified and is enabled to secure supernatural rewards through the merits of his own works; for the virtues make their possessor as well as his acts morally righteous, while through God's grace the good deeds done for His sake entitle the doer to the crown of eternal life. In the present Question we pass on to consider certain means by which God is honored by man and man is sanctified through the application to his soul of the merits and passion of Christ; for the Sacraments were instituted by Christ both as external acts of religion (**2175, 2244**) and as most powerful agencies to begin, restore, and increase the life of holiness.

**2653.** It should be observed, first, that the present work is concerned with Moral Theology; and, secondly, that it must be confined within the limited number of pages which a two-volume production of convenient size necessitates. Hence the reader will understand why in the Question now beginning we speak only of man's duties in reference to the Sacraments, and omit other points that do not so strictly pertain to Moral. (a) Thus, the nature, institution, number and effects of the Sacraments belong to Dogma, which the authors hope to treat later in a similar work. (b) The administration of the Sacraments, their rites, rubrics, ceremonies are set forth in ritual books and works on liturgy. (c) The legal rights of ministers, canonical requirements on registration, penal and processual legislation in reference to the Sacraments, and like juridical questions are treated fully in commentaries on pertinent sections of the Code.

## Art. 1: THE SACRAMENTS IN GENERAL; THE SACRAMENTALS

(*Summa Theologica,* III, qq. 65–65.)

**2654. Nature of a Sacrament.**—In the New Law a Sacrament is an outward sign instituted permanently by Christ to signify and convey grace.

(a) The internal cause or essence of a Sacrament is the *outward sign,* which has two parts. The indeterminate part or matter is a visible object (*e.g.,* the water of Baptism, the chrism of Confirmation, the bread and wine of the Eucharist, the oil of Extreme Unction, the keys and other sacred instruments in Orders) or a perceptible act that looks to another act for its perfectionment (*e.g.,* the confession, etc., of the penitent in Penance; the giving of oneself as spouse in Matrimony). The determining part or form is either the sacred formula spoken over the material element (*e.g.,* in Baptism the words "I baptize thee, etc.") or an act that completes another act (*e.g.,* the acceptance of another as spouse in Matrimony). As the matter must be visible or otherwise sense-perceptible, so the form must be audible or at least (in Matrimony) equivalently audible; for a Sacrament is a *sensible* sign. The words are audible when they are heard or are capable of being heard at least by the minister.

(b) The external efficient cause or instituter of the Sacraments is Christ, the founder of the New Testament religion and the productive and meritorious author of grace as our God and Saviour.

(c) The external final cause or purpose of the Sacraments is to symbolize outwardly by their rite and to work inwardly by their instrumental virtue the application of Christ's redemption in the soul of properly disposed recipients. It is the nature of Baptism and Penance (Sacraments of the Dead) to produce first grace or forgiveness, of the others to produce second grace or increase of holiness (Sacraments of the Living). Furthermore, three of the Sacraments (Baptism, Confirmation, Orders) have a second effect, since they sign the soul with the indelible character of member or soldier or minister of Christ, and hence these Sacraments cannot be repeated.

**2655. Rules on the Invalid Use of the Matter and Form of the Sacraments.**—(a) Since the matter and form are essential constituents without which the Sacraments are not had, it is sacrilegious to invalidate a Sacrament by *substantial changes* in either of these parts. The matter is changed substantially when it is so modified as currently to be considered and called something different from the element appointed by Christ. Thus, wine is unfit for the Eucharist if corrupted into vinegar, or made unsuitable as a drink (*e.g.*, probably as long as it remains frozen), or notably adulterated (*e.g.*, when it is mixed half and half with water). The form is changed substantially when it is so modified that to a listener it no longer conveys the sense intended by Christ. This happens when the changed form does not express the chief ideas of the correct form, as when it does not determine who is the minister of Penance (*e.g.*, "You are absolved"), or who is the subject of Baptism (*e.g.*, "Ego baptizo in nomine, etc."), or what is the effect of the Eucharist (*e.g.*, "Hoc non est corpus meum," "Hoc est corpus," "Hic meum est corpus"), or the action of the minister of Penance (*e.g.*, "Ego abluo te a peccatis"), or the profession in Baptism of faith in the Trinity (*e.g.*, "Ego te baptizo, Amen").

(b) Since the matter and form are parts of a single composite sign, it is sacrilegious to invalidate a Sacrament by substantial *separations,* which destroy the continuity or unity of signification. There is a substantial separation within the form when such long intervals occur between the pronunciation of its syllables or words that it is not in common estimation a united sentence or proposition; for example, if the celebrant says, "Hoc est cor—," then sneezes two or three times, and (instead of repeating the words) concludes "—pus meum," or says "Hoc est corpus" and after an interruption of several minutes (instead of repeating) finishes with: "meum." There is substantial separation between the matter and form, if the former is applied by one minister and the latter is spoken by another, although the form declares that the matter is applied by the speaker of the form: for example, if Titus pours the water while Claudius says: "I baptize thee, etc." Even when the same minister applies both matter and form, there is a substantial separation between these parts when the form is not spoken at the same time or for the same time that the matter is posited, and thereby, from the special character of the Sacrament, leaves the signification of the sacramental matter unsettled. This happens when the form is spoken too long before or too long after the presence or application of the matter, or when the form is limited by a future condition which will not be verified during the continuance of the matter (see **2668**).

**2656. Simultaneity of Matter and Form.**—The simultaneity of matter and form which validity requires must be either moral or physical according to the character of the Sacrament.

(a) There is physical simultaneity when matter and form are present in the same instants of time. This kind of union is demanded in the Eucharist, for it has the character of a transubstantiation of bread and wine present at the moments the words of consecration are said over them. There would be no Sacrament if the bread were absent even during a part of the consecration.

(b) There is a moral simultaneity like to the physical contemporaneousness when the matter and form are partly present in the same instants of time, and perhaps also (as some hold) when one follows the other with such close succession that not more than a Pater or Ave could be said between them. This kind of union is the maximum in Penance and Matrimony, for absolution must follow after confession, and conjugal acceptance must follow after conjugal offer. It suffices in Baptism, Confirmation, Extreme Unction, and Orders; for these four Sacraments do not consecrate the matter (and hence some little separation is allowed), but they do signify in the present tense the bestowal of grace through the application of the matter (and hence any separation must be of the slightest).

(c) There is a purely moral simultaneity when the form follows the matter after a somewhat considerable interval of time has elapsed, but with a connection between the two based on human usage which carries the matter on in human estimation over to the time the form is employed. This suffices in Penance and Matrimony. Penance has the character of a judicial process, whose unity is not destroyed by some little delay between the discussion and the sentence; and hence it seems that absolution could be given validly an hour after confession. Matrimony has the character of a contract, whose unity is preserved even in spite of a long interval between the date of consent of the first party and the date of consent of the second party.

**2657. Lawfulness of Moral Simultaneity in the Sacraments Other than the Eucharist.**—(a) In Baptism, Confirmation, Extreme Unction, and Orders, it would seem on account of the danger of nullity to be a serious sin to exclude all physical simultaneity between matter and form (*e.g.*, to pour all the water and then to begin the words: "I baptize thee, etc.," or vice versa). In practice the Rubrics should be followed.

(b) In Penance and Matrimony it is more or less sinful to make needless, though not invalidating, delays. In ordinary practice the confessor should absolve as soon as the confession has been heard and the penance accepted, and the bride should express her consent immediately after the bridegroom has expressed his.

**2658. Accidental Changes or Separations as to Matter and Form.**—(a) These administrations are not invalid, for they preserve the essence of the elements or the sense of the words appointed by Christ. Examples of accidental change of matter are baptismal water to which a relatively very small quantity of wine has been added, or wine for the Eucharist to which a relatively trifling amount of water has been added. The form is accidentally modified if translated into the vernacular or rendered by synonymous words (*e.g.*, "Ego abluo te, etc."), or if an unimportant word (*e.g.*, "enim") is added or subtracted, or if the words are transposed or partially repeated or unintentionally mispronounced without detriment to sense (*e.g.*, "Hoc est meum corpus," "Hoc, hoc, est, est, etc.," "Hoc est copus meum"). There is accidental separation when slight pauses are made between words, or when an interval not destructive of the sense falls between the use of the matter and the use of the form (see **2655, 2656**).

(b) These administrations are unlawful and from their natrue mortally sinful, since they are transgressions of a precept of the Church meant to safeguard respect for the Sacraments of Christ, and they are therefore opposed to the virtue of religion (**2147**). But the sin may be venial by reason of lightness of matter (*e.g.*, omission of the word "enim"), or of imperfection of the act. Scandal, danger of invalidity, contempt, and bad intention would make even a small change a serious sin. In practice the rule to follow is to observe exactly the prescribed matter and form and entire rite, to pronounce the words clearly and slowly, to repeat the form when any involuntary interruption happens between its essential parts, and to unite the matter and form as closely as possible.

**2659. Substantial Changes or Separations.**—Substantial changes or separations *a fortiori* are grave sins. They offend against religion (since they make a mockery of the sacred signs appointed by Christ), against obedience (since they disregard a most serious precept of the Church), against charity (since they deprive the recipient of sacramental grace), and against justice (at least when the minister is bound *ex officio* to confer the Sacrament, since there is then a quasi-contract with the recipient to administer the Sacrament correctly).

**2660. Doubtful Matter.**—It is sometimes probable but not certain that an element suffices for the matter of a Sacrament (*e.g.*, coffee or tea for Baptism, chrism for Extreme Unction). Hence the question: "Is it lawful to use probable matter in the administration of a Sacrament?"

(a) If certain matter cannot be had and the Sacrament is urgently necessary or very useful, probable matter may be used. For the Sacraments were instituted by Christ to benefit man ("The Sacraments are for men"), and hence it is not irreverent to give to one in need a probably valid Sacrament when a certainly valid Sacrament is impossible. Thus, a dying infant may and should be baptized with coffee, if no pure water can be procured in time; the last anointing may be conferred with chrism, if the oil of the sick cannot be had before a dying man will have expired.

(b) If certain matter can be had, or if the Sacrament is not urgently necessary or useful, probable matter may not be used without grave sin; for there is then no reason of necessity to justify the risk to which the Sacrament and perhaps also the recipient are exposed. Thus, it is not lawful to baptize with coffee when pure water can be secured, or to confirm with chrism not blessed by a bishop a dying man who had just received the last Sacraments, even though other chrism is unobtainable (see **661, 678, 711,** and Denziger, n. 1151).

**2661. What Sacraments Have a Necessity of Means** (see **360, 786, 2156**)?—(a) Those Sacraments have a necessity of means without which sanctifying grace and salvation cannot be had. Hence the necessity for individuals of Baptism (without which there is no regeneration), of Penance (without which there is no reconciliation), of the Eucharist's effect (without which there is no incorporation with Christ), and for the Church the necessity of Orders (without which there are no ministers and dispensers of grace, Prov., xi. 14).

(b) Those Sacraments have no necessity of means without which sanctifying grace and salvation can be had; but they have a necessity of convenience, inasmuch as they perfect grace already had and make salvation more easy. In this sense, then, Confirmation and Extreme Unction may be called necessary for the individual, since the former perfects the grace of Baptism and the latter the grace of Penance; and Matrimony may be called necessary for the Church, since it perfects with a sacramental grace the propagation of the children of the Church.

**2662. Reception of Sacraments *in re* or *in voto*.**—The Sacraments that have a necessity of means must be received either in themselves (*in re*) or in desire (*in voto*).

(a) Thus, Baptism *in re* is necessary for all infants (John, iii. 5), Baptism *in re* or *in voto* for all adults (John, xiv. 21–23). Baptism of desire consists in an act of perfect charity or contrition made by an unbaptized person, which includes the will to do all that God has commanded, and consequently at least an implicit or virtual desire of Baptism of water. As is proved in Dogmatic Theology, Baptism may be supplied for, as regards grace, by martyrdom in an infant and by martyrdom joined with attrition in an adult.

(b) Penance *in re* or *in voto* is necessary for all who have committed grave sin after Baptism. The desire of the Sacrament is an act of perfect charity or contrition, which includes at least implicitly the wish to receive absolution. Martyrdom joined with attrition also suffices.

(c) The *Sacrament* of the Eucharist is not a necessary means for anyone, either *in re* or *in voto;* for the essential grace of justification can be obtained through Baptism and Penance. But the *proper result* (*res*) of the Eucharist, which consists in incorporation with Christ, perseverance, and life eternal, is a necessary means *in voto,* tacitly or interpretatively; for Baptism, as was said, is absolutely necessary for salvation, and Baptism itself is a tacit or interpretative desire of the result of the Eucharist, inasmuch as Baptism is but a means to that result and the beginning of its accomplishment.

**2663. What Sacraments Have a Necessity of Precept?**—An act is said to fall under precept *per se,* when it is directly commanded in a law that mentions it specifically; it is said to fall under precept *per accidens,* when it becomes obligatory in virtue of a law that does not command it directly or specifically (cfr. **935, 1099, 1602**).

(a) There is a divine precept obliging *per se* and *sub gravi* in reference to Baptism (''Preach the Gospel to all nations, baptizing them, etc.,'' Matt., xxviii. 19), Penance (''Whose sins you shall forgive, they are forgiven them, etc.,'' John, xx. 23), and the Eucharist (''Unless you eat the flesh of the Son of man, you shall not have life in you,'' John, vi. 54).

According to some authorities there is also a divine precept obliging at least *sub levi* to receive Confirmation (''He commanded them to await the promise of the Father,'' Acts, i. 4) and Extreme Unction (''Is there any man sick among you? Let him bring in the priests of the Church,'' James, v. 14).

(b) There is a divine precept obliging *per accidens* and *sub gravi* in reference to Confirmation and Extreme Unction, when they cannot be omitted without peril to salvation, scandal to neighbors, or other such inconvenience which one is seriously bound to prevent. Similarly, there might be a *per accidens* obligation of receiving Matrimony or Orders (see **2627**).

(c) There are ecclesiastical precepts determining the circumstances of the reception of Penance and the Eucharist (see **2590–2593**) and prescribing Confirmation for candidates to Orders (Canon 974). Moreover, the Code reminds us that no one may lawfully neglect Confirmation when he has an opportunity to receive it (Canon 787), and likewise that it is not lawful to neglect Extreme Unction (Canon 944).

**2664. Twofold Ministry of the Sacraments.**—(a) The ministry of production (*confectio*) is the application of form to matter that makes the Sacrament (*e.g.,* the consecration of bread and wine); (b) the ministry of bestowal (*administratio*) is the application of the Sacrament to the human recipient (*e.g.,* the Communion). The Eucharist is a permanent object, whereas Baptism and the rest are transitory actions. Hence it is that in the Eucharist, but not in the other Sacraments, the two ministries are separated, and hence it is also that the Eucharist may be validly given or validly received, though not validly performed, by anyone.

**2665. Requirements in the Minister for Valid Performance of a Sacrament.**—(a) *The Person of the Minister.*—As the minister represents Christ, only those may perform a Sacrament to whom Christ has given authority. Hence, ordinarily only mortals and human beings—not the Angels or departed Saints—can administer a Sacrament. Further, as the ministry of a Sacrament may include an act of power and authority, there are various ranks of ministers. Thus, the ministry of Matrimony supposes no power or orders or spiritual authority, and the ministers are the parties themselves; that of Solemn Baptism, Eucharist, Penance, and Extreme Unction supposes orders and lower authority, and the minister is the priest; that of Confirmation and Orders supposes higher authority, and the minister is the bishop.

(b) *The Acts of the Minister.*—As the minister acts as Christ's responsible agent to whose wise discretion the dispensation of the Sacraments is committed, he must have at least the external attention of mind sufficient to perform all that the rite demands and the internal intention of will sufficient to make his ministry an act that is human, sacred, and definitely symbolical of the sacramental effects.

**2666. The Necessary Intention.**—The intention or purpose of the minister therefore must have the following qualities:

(a) objectively, there must be an intention of doing what the Church does (*i.e.,* of performing a sacred rite instituted by Christ, for the minister acts in the name and authority of Christ). Hence a mock sacrament—or even, more probably, a purely external performance with no purpose to enact a sacred rite—does not suffice. But, on the other hand, an unbeliever can administer validly if he really intends to do what Christians do or what Christ commanded to be done. The intention not to do what the Church does was the chief cause of the nullity of Anglican Orders;

(b) subjectively, the intention must be at least virtual, so as to ensure a deliberate act. An actual intention is not necessary, because it is often impossible on account of its difficulty; while an habitual intention is not sufficient, because it does not influence the act so as to make it human (see **2165**). The interpretative intention (*i.e.,* a purpose that never existed, but that would presumably have existed, had attention been given the matter) is with greater reason insufficient;

(c) modally, the intention must be such as to make precise the character of the action as a special sacred rite; for just as the matter awaits the form or word to receive the imprint of a sacred significance, so do the ceremonial words themselves look to the internal purpose of the minister for their fixed meaning. Hence, the Sacrament is invalid if the minister's purpose is indeterminate (*e.g.,* if a priest wills to consecrate ten undesignated hosts out of the hundred contained in a ciborium, or to absolve one undesignated person of a multitude); or if the purpose is self-exclusive (*e.g.*, if a bridegroom has two mutually incompatible intentions, namely, to marry the bride and also to marry her only for a time); or if the purpose is left in suspense (*e.g.*, if a priest makes his absolution depend on future restitution or any other non-existent condition, and most probably also if the minister makes the Sacrament depend on the recipient's predestination or other such condition known only to God).

**2667. Rules on Plurality of Intentions.**—(a) When opposite intentions are simultaneous, if one of them is predominant in the minister's will and not insociable with the Sacrament, that one prevails and the Sacrament is valid; otherwise the Sacrament is null. (b) When opposite intentions are successive, the later prevails over the earlier, unless the earlier was stronger and meant to endure in spite of other intentions, and it has not been recalled expressly by the will.

**2668. Requisites for Use of Conditional Intention.**—(a) The use must be valid or non-suspensive (**2666** c), and hence (Matrimony excepted on account of its special character as a contract) the minister may not confer a Sacrament under a condition *de futuro*. But conditions *de præsenti* (*e.g.*, "I absolve you, if you are repentant") or *de præterito* (*e.g.*, "I baptize you, if you have not received Baptism") are valid.

(b) The use of a condiitonal intention must be lawful, or justified by a sufficient reason. Normally the minister should intend absolutely to give a Sacrament, as the forms of the Sacraments are unconditional. But if the absolute intention would be disrespectful, because there is doubt whether all the requisites for the Sacrament are present, while on the other hand denial of the Sacrament would be harmful because the subject needs it, both disrespect to the Sacrament and harm to the subject are avoided by conditional administration. The doubt spoken of may refer to the recipient (*e.g.*, whether he is living or otherwise capable, whether he is contrite or otherwise disposed) or to the Sacrament (*e.g.*, whether it has been received or received validly, whether the form has been rightly spoken, whether the present matter is valid).

(c) The use of the conditional intention must be legal according to the rules prescribed by the Church. Thus, according to the Ritual the conditional intention in Baptism and Extreme Unction ("Si non es baptizatus," "Si es capax") must be expressed vocally. Moreover, conditional marriages are not permitted as a rule except there be a grave reason and the bishop consents.

**2669. Lawful Administration of Sacraments.**—Lawful administration of a Sacrament demands, in addition to the conditions for validity (**2665–2668**), that the minister and his ministry be worthy, for even in the Old Law it was strictly commanded that holy things be treated in a holy manner (Isa., lii. 11; Lev., xxi. xxii). Hence, a person who fulfilled the conditions for validity but who lacked one or other of the qualities mentioned below would perform and confer a true Sacrament, but he would sin more or less seriously on account of the unworthy administration, unless good faith excused him.

(a) *The Minister's Worthiness before God.*—The state of grace is required in consecrated ministers when they minister solemnly and *ex officio* in performing a Sacrament; for they act then as representatives of Christ, who is holy, and exercise most sacred functions which He appointed as means of holiness and which they were ordained to perform holily. The sin of unworthiness is a grave sacrilege. It seems there is *per se* no grave sin, if the minister is not consecrated (*e.g.*, in lay Baptism), or if the ministry is not *ex officio* (*e.g.*, in a Baptism of necessity given by a priest but without the solemn ceremonies), or if a Sacrament is not made or performed (*e.g.*, when confession is heard but absolution not given, when Communion is administered, when the Blessed Sacrament is carried). It is generally admitted that there is no grave sin even in a solemn and official performance of a Sacrament, if the Sacrament is urgently necessary and the state of grace cannot be recovered in time; also in the exercise of a function which is not itself a Sacrament (*e.g.*, to be official witness at a marriage or deacon at Mass, to preach, bless, give Minor Orders, chant or say the Office). When the state of grace is necessary for his ministry, one who is in sin must to the best of his ability recover that state by going to confession, as the positive law of the Church requires in the case of Mass, or at least by making an act of contrition in the case of other Sacraments.

(b) *The Minister's Worthiness Before the Church.*—Since the Church is the custodian of the Sacraments, these cannot be lawfully performed or administered by those who are under her censure or who have not received her license. The excommunicated and the irregular sin gravely if they administer Sacraments, unless the faithful lawfully request administration from them (see **2683**). Only priests are licensed to act as ministers of Baptism, Penance, Extreme Unction and the Eucharist, and the pastor of a place is the authorized minister for that territory; but in case of need even the laity may administer Baptism, a priest other than the pastor may give the Last Sacraments, and the sick may confess to any confessor with due faculties.

(c) *Worthiness of the Ministration.*—Internally the ministry should be devout and attentive; for, if private worship should be religiously made, much more the worship contained in the Sacraments (see **2150, 2244**). Voluntary distractions, however, do not seem to be gravely sinful, unless the validity of the rite is imperilled by them. Externally the ministry should be dignified and rubrical. Canon 733 requires that each one observe the accidental ceremonies of his own Rite and liturgical books. Since ceremonies were instituted by the Church from the earliest ages and are prescribed in virtue of religion (*Catechism of the Council of Trent,* page 152), it is sinful to neglect them unless a rubric is merely directive or optional, such as the rules before and after Mass. The preceptive rubrics oblige *sub gravi* as to notable matter (*e.g.,* the anointing in Baptism), *sub levi* as to inconsiderable matter (*e.g.,* words, bows, crosses, etc. of minor importance) ; but one may be excused from guilt, or grave guilt, on account of imperfection of act (*e.g.,* inadvertence caused by external distractions) or impossibility (*e.g.,* ceremonies curtailed because of approaching death, scandal or wonder of the people). The Roman Ritual (Title I, n. 10) advises the explanation of the ceremonies for the benefit of those who assist at the administration of the Sacraments, and recommends the *Catechism of the Council of Trent* for this purpose.

**2670. Multiplication of Sins of Unworthy Administration.**—How many sins are committed by the minister when Sacraments are unworthily administered to many recipients at one time, as when several children are baptized together, or a large gathering of penitents are heard one after the other, etc.?

(a) According to the strict view, there are as many distinct sins as there are distinct administrations, for each Sacrament is separate from the other. But in case of Communion, since the separate Communions are parts of the one Eucharistic banquet, there is but one sin, mortal or venial, according to the view taken of an administration that is not also performance of a Sacrament.

(b) According to the mild view, there is but one sin, since sins are not multiplied numerically when they form morally but one act on account of the unity given them by the purpose of the agent and the circumstances.

**2671. Requirements for a Valid Sacrament in Reference to the Recipient.**—(a) *The Person of the Recipient.*—Since the Sacraments were instituted as means of salvation, they can be given only to those who are still wayfarers in the present mortal existence, and hence a Sacrament administered to a brute animal or a corpse would be invalid, or, in the case of Communion, would not be received sacramentally. As Baptism is the preparation for the other Sacraments, but need not presuppose personal sinfulness, its subject is any and every unbaptized person, infant or adult, male or female. The other six Sacraments presuppose Baptism, and only those who have been initiated into the Church by Baptism can receive them validly. As to these six Sacraments only males are capable of Orders, which is for the rulers of the Church; only adults are capable of Penance, Extreme Unction and Matrimony, which suppose personal sin or personal contract. Further, the impotent and impeded are incapable of Matrimony, and those who are not in danger of death from sickness are incapable of Extreme Unction. Finally, those who have been baptized, confirmed, or ordained, cannot be rebaptized, reconfirmed, or reordained, since these three Sacraments can be given but once; he who is married cannot marry again while his wife lives and the bond endures; he who has been anointed cannot be reanointed during the same danger.

(b) *The Acts of the Recipient.*—If the recipient is an infant, no disposition on his part is necessary, since he does not understand. If the recipient is an adult, it is necessary in the performance of every Sacrament (on the Eucharist see **2664**) that he have some intention or willingness to receive the Sacrament, since Christ does not wish to confer benefits or impose certain grave burdens on those who are unwilling. A forced Sacrament to which the subject yielded no internal consent would be a null Sacrament. Further, since an essential part (namely, the matter, or according to others a *conditio sine qua non*) of Penance is the faith and repentance of the recipient, these dispositions are necessary in that Sacrament.

**2672. Qualities of the Recipient's Intention.**—(a) *Objectively.*—The recipient should intend to receive what the Church confers, and hence intentions that are not serious, or are mistaken or external (*e.g.*, Baptism received for the sake of rehearsal, or in the belief that it is a profane ablution, or accepted as a pure formality), do not seem sufficient (see **2666**).

(b) *Subjectively.*—The recipient must positively will the Sacrament, for it seems that the so-called neutral intention—in which the subject neither consents nor dissents internally, but is passive and indifferent, and acquiesces externally only to please another—is not a true desire. But the strength or influence of the recipient's intention need not be so great as the minister's, since the rôle of the minister is to perform the rite, that of the subject only to receive the rite (see **2665**).

**2673. When a Virtual Intention Is Necessary.**—It is generally agreed, therefore, that while the interpretative intention does not suffice, the actual intention and even, for the most part, the virtual intention are not necessary. But about the virtual intention the following should be noted: (a) a virtual and explicit intention is necessary in Matrimony if a party be considered, not precisely as recipient, but as minister of the Sacrament (see **2666**) and as maker of the contract (see **1883**); (b) a virtual and at least implicit intention is necessary in Penance, if a penitent is considered precisely as positing the requisite matter or condition of the Sacrament, since this consists in repentance, and repentance includes either an express or an implied desire of sacramental absolution.

**2674. When an Habitual Intention Suffices.**—The habitual intention is found in those who are not conscious (see **2165**), but it suffices for the reception of a Sacrament, since the recipient does not affect the Sacrament, and it is enough that he had the good will to accept it and has not retracted that will.

(a) An habitual and explicit intention suffices for the three Sacraments that impose special obligations, namely, Baptism, Orders, and Matrimony. Hence, he who has asked for Baptism is validly baptized after he becomes delirious; he who has asked for Orders is validly ordained even when unconscious; he who has sent his consent to a marriage by proxy receives the Sacrament during his sleep, if the other party's consent closing the contract is given at that time.

(b) An habitual and implicit intention included in a particular will to do a good act on which the Sacrament follows in natural course, suffices for the other three Sacraments which do not impose special obligations. Hence, a person who purposed to live as a Catholic is validly confirmed while unconscious; a person who intended to die as a Catholic is validly absolved and anointed, as far as intention is concerned, at the moment of death, even though he be out of his mind. Further, if an unbaptized person has resolved to become a Catholic but has no knowledge of Baptism itself, he is validly baptized in virtue of his implicit desire, even though he be unconscious.

(c) An habitual and implicit intention included in a general will to do all that is necessary for salvation or a good life is taught by some authors, and is by them considered sufficient for Baptism, since it is the most necessary Sacrament, and the Sacraments are for men. An unbaptized person of good will who has supernatural contrition or charity is justified through Baptism of desire, but if he has only supernatural attrition the Sacrament itself is necessary for him. Hence, in case of urgent need conditional Baptism should be given a dying and unconscious infidel who was well disposed; but, as the intention is not certain, the Baptism should be repeated in case of recovery. The same principle is extended by some moralists to the administration of Penance and Extreme Unction to schismatics and heretics who are in danger of death.

**2675. Requirements for Lawful or Fruitful Reception of a Sacrament by an Adult.**—(a) *Worthiness of the Recipient from Divine Law.*—The two Sacraments of the Dead, Baptism and Penance, were intended by Christ to be means of forgiveness to the repentant, and hence they require at least that the recipient believe himself attrite. The five Sacraments of the Living were meant by Christ to strengthen grace and life already had, and consequently he who approaches them must have no serious fault on his conscience. Conscious unworthiness is a sacrilege, and only extreme necessity can excuse reception in such a state (*e.g.*, when a sinner takes Communion to save the Host from profanation).

(b) *Worthiness from Church Law.*—The recipient must be free from church censures (Canon 2260) or impediments, and must possess the preparation or qualification which the church law prescribes (*e.g.*, a certain age is required for Confirmation; the Eucharist must be received fasting; the candidate for Orders must be approved, etc.).

(c) *Worthiness of Reception.*—The Sacraments should be received devoutly, with proper preparation, attention, and thanksgiving. In the case of the Eucharist, though intention is not necessary for validity, it is required for a sacramental or fruitful Communion; an habitual and implicit intention suffices for the Viaticum (and Easter Communion), an habitual explicit intention for Communion of devotion.

**2676. When Is the Minister of the Sacraments Bound to Give Them?**—(a) A pastor is obliged to give a Sacrament to one of his own subjects who reasonably requests it, and to do so willingly, freely (Canon 736), and, if he has no substitute, in person; for a spiritual shepherd has a grave duty of justice and charity to feed his flock. A request is not reasonable, however, if compliance will put the pastor to an inconvenience greater than that which the parishioner will suffer from a refusal, for example, when Baptisms, Confessions, or Communions are needlessly asked for outside the appointed hours, or when sick calls that can be attended during the day are sent in at night. The Sacraments necessary for salvation (Baptism and Penance) should be given even at the risk of life, if the subject is in grave need and there is assured hope of success (see **1167**), and doubtless this should be applied also to Extreem Unction or even the Viaticum.

(b) One who is not a pastor is obliged from charity to give the Sacraments to those who reasonably ask. He would be obliged even to risk his life to save a soul, if there were no one else to administer a necessary Sacrament to a person in extreme spiritual peril who could be saved by his ministry.

**2677. When Is the Minister of the Sacraments Bound to Deny Them?**—(a) He must always deny them to those who are incapable, for otherwise he insults the Sacrament. Under no circumstances, then, may a priest baptize one who is already baptized, or absolve one who is unrepentant; and he may not assist at the attempted marriage of a divorcee. Likewise, as is manifest, he must always deny the Sacraments to those who ask for them out of hatred or contempt for religion, for to grant them in such circumstances would be an act intrinsically evil.

(b) He must deny them, as a rule, to those who to his knowledge are certainly unworthy (*e.g.*, on account of lack of requisite instruction or moral disposition); otherwise, he casts pearls before swine, coöperates in the sacrilege of others, and scandalizes the people. Hence, a public sinner—that is, one whose unworthiness is notorious (see **2053**)—should not be given the Sacraments publicly, until he has repaired the scandal he gave; and no unworthy person, even though he be a hidden sinner whose guilt is known only to the minister, should be given a Sacrament in private until he has shown signs of repentance. Generally the minister is bound to assure himself beforehand of the good disposition of the one who asks for a Sacrament, though in case of Communion this is often impossible, and it suffices to presume that all who approach the altar becomingly are in the state of grace.

**2678. Administration to Unworthy Persons.**—Since material coöperation with sin is lawful for a sufficient reason (see **1515 sqq.**), one may administer a Sacrament to an unworthy person when refusal would cause a greater evil than ministration. This happens in the following cases:

(a) when refusal will necessitate a more wicked sacrilege (*viz.*, injury to a Sacrament by the minister himself). This case occurs when the minister knows the subject's unworthiness only from the latter's sacramental confession, and hence cannot exclude him without violation of the seal;

(b) when the refusal will bring on more widespread evils (*viz.*, discouragement of the use of the Sacraments). This happens when the subject who asks the Sacrament is not publicly known as a sinner, but his request is public, so that a refusal will amount to a defamation of him by the minister. If priests had the right to inflict public disgrace on those who approached the Sacraments, it is easily seen what grave scandals and disorders would follow, and that a ready excuse would present itself for personal spite and neglect of religion. Our Lord administered Communion to Judas rather than betray his secret guilt to the other Apostles.

**2679.** Is the fear of bodily harm or of death a sufficient reason for administering a Sacrament to an unworthy person? (a) If a greater evil will be caused by bestowal of the Sacrament, it should not be bestowed. This happens when the Sacrament is asked out of hatred or contempt of religion, and when great scandal will result if the priest yields. (b) If a greater evil will be caused by refusal of the Sacrament, it should not be refused. Examples are those of the previous paragraph. The mere private good of the minister is not preferable to the good of the Sacrament.

**2680. Simulation and Dissimulation of a Sacrament?**—Is it lawful in case of difficulty to give a Sacrament only in appearance? (a) If this means simulation of a Sacrament, or the use of its externals in such a way as to make it null (*i.e.*, by with-holding internal intention or using invalid matter or form), the answer is in the negative; for simulation is always an acted lie (see **2403, 2404**), and when applied to Sacraments it produces a sacrilegious mutilation and also, in the case of the Eucharist (*e.g.,* when an unconsecrated host is given to a communicant), an occasion of idolatry. (b) If this means dissimulation of a Sacrament, or the use of some non-sacramental act to conceal the denial of a Sacrament, the answer is in the affirmative, for it is lawful to keep from others knowledge to which they have no right. Thus, a priest who wishes to conceal from onlookers that he has refused absolution to a penitent, can lawfully say a prayer and make a sign of the cross over this person.

**2681. Administration of Penance and Extreme Unction to Heretics and Schismatics.**—(a) Regularly this is unlawful, even though these persons are in good faith and ask for the Sacraments. They must first renounce their errors and become reconciled with the Church (Canon 731).

(b) Exceptionally, according to some moralists, this is lawful when there is extreme need. Hence, according to this view a priest may secretly give conditional absolution to an unconscious heretic or schismatic in danger of death who has given signs of repentance; he may absolve and anoint a dying heretic or schismatic, even though conscious, if this person appears to be in good faith and repentant and willing to do all that God requires of him. But the priest should first try to convert the dying person, if this is possible and the latter's good faith will not be disturbed; and he must also avoid giving scandal.

**2682. Repetition of a Sacrament on Account of Invalid Administration.**—(a) This is unlawful when the fear of invalidity is groundless and foolish; for it is seriously disrespectful to a Sacrament and disedifying to others to repeat the rite without reason. But scrupulous persons are sometimes free of grave sin, since they mean well in repeating and are not accountable for their fears.

(b) This is lawful but not obligatory when there is a prudent misgiving about a useful Sacrament (Confirmation, Matrimony, anointing of one who is conscious); also when there is a slight reason of law or fact for fear about a necessary or more important Sacrament (Baptism, Orders, absolution of a dying person, anointing of an unconscious person, consecration of the Eucharist). For the Sacraments are for men. But if only a small loss or an unlikely loss will be caused by their non-repetition, the duty of repeating them cannot be insisted on.

(c) This is gravely obligatory when there is a prudent fear about a necessary or more important Sacrament; it is gravely or lightly obligatory when there is a well-founded fear about a useful Sacrament, if charity, justice or religion calls for repetition and the inconvenience will not be too great. Again, the Sacraments are for men, and hence, if man will likely be subjected to a notable loss by the minister's neglect of repetition, the duty of repetition is clear.

**2683. Reception of a Sacrament from an Unworthy Minister.**—May a Sacrament be received from a minister who, to one's certain knowledge, cannot give it without sin on account of unworthiness (such as a state of sin or censure)?

(a) *Per se*, this is unlawful, for it is coöperation with sacrilege and is often attended by scandal and danger of perversion to self.

(b) *Per accidens*, this is lawful, for material coöperation is justified when a proportionately grave reason exists (**1515 sqq.**). Moreover, often the minister can put himself in the state of grace before he gives the Sacrament, or can be excused from sacrilege on account of the necessity. The less the irreverence or danger of scandal, the less need be the reason for asking or taking a Sacrament from an unworthy person. If the minister is a sinner or is under ordinary suspension or other censure, a serious reason of spiritual advantage suffices (*e.g.*, the opportunity to make the Easter duty); if the minister is under sentence (Canon 2261 n. 3), only danger of death suffices; if the minister is a heretic or schismatic, only extreme need suffices, and the danger of scandal and perversion must be avoided.

**2684. Sacramentals.**—The sacramentals are the sacred things (*e.g.*, rosaries, scapulars, agnus deis) and actions (*e.g.*, consecrations, blessings, exorcisms) used by the Church in imitation of the Sacraments to obtain through her intercession blessings chiefly of a spiritual sort (Canon 1144).

(a) *Necessity.*—Our Lord gave to the Church the power of instituting sacramentals, and certain of those used by the Church are but developments of the blessings and exorcisms that He used. Some of the sacramentals are commanded by the Church (*viz.,* those that are used in the administration of the Sacraments or in other sacred services); others are recommended, but not commanded.

(b) *Use.*—The virtue of religion requires that the sacramentals be administered, received and treated with devotion and respect, the extremes of irreligion and superstition being avoided (see **2244**). The laws of the Church on the ministers, recipients, and rites of the sacramentals are treated in works on Canon Law and liturgy.

## Art. 2: BAPTISM; CONFIRMATION; THE EUCHARIST; THE SACRIFICE OF THE MASS

(*Summa Theologica,* III, qq. 66–83.)

**2685.** The general duties of the ministers and recipients of the Sacraments have been outlined in the previous Article. The principles therein given are the basis of the special duties that pertain to each of the seven Sacraments. In this and the remaining Articles, therefore, it will suffice to apply without explaining anew the rules already given and to add the special details proper to each Sacrament.

**2686. The Sacrament of Baptism.**—The first and most essential Sacrament is Baptism (Greek, *washing*), which may be defined: "The Sacrament of regeneration by water in the word" (*Catechism of the Council of Trent,* page 163). The internal grace of the Sacrament is expressed by regeneration, the external sign by *water* and the *word.*

(a) The effect of Baptism is *regeneration,* for it cleanses from sin and penalty, and makes him who was a child of wrath to be a child of God and a co-heir of Christ. Baptism also christens, since it seals one with the indelible character of Christian, or member of the Church. As all are under the original curse by birth from Adam, so all who would inherit blessing are in need of this new birth through Christ (see **2661**): "Unless a man be born again of water and the Holy Ghost, he cannot enter into the kingdom of God" (John, iii. 5).

(b) The material element (remote matter) of Baptism is *water*, that is, any and every form of liquid which in common estimation is pure and unchanged water (*e.g.*, water taken from the ocean, from streams, fountains, or wells; water melted from snow, ice or hail; water gathered from steam, dew, or mist; chemical and mineral water). But animal and plant fluids, though they contain water, are looked upon as distinct substances, and hence Baptism cannot be administered with milk, blood, spittle, sweat, oil, flower or fruit juices (*e.g.*, wine, cider), or extracts of barks or roots. Doubtful matter are liquids that, while in large part composed of water, seem to be generally regarded as not water (*e.g.*, thin soup, tea or coffee, light beer); and hence only in necessity can these be lawfully used for Baptism.

(b) The formal element of Baptism is the *word* or the formula appointed by Christ. In the Latin Church the words are: "I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost." Almost every word in this form is necessary for the sense given by Christ, and hence almost any omission makes it necessary, or at least lawful, to repeat Baptism (see **2655, 2682**). The declaration of the form demands that the application of the water (proximate matter) be made in the manner of an ablution (*i.e.*, by sprinkling, pouring or immersion). If sprinkling or pouring is used, the body of the recipient (*i.e.*, the skin of his head) must be washed (*i.e.*, the water must touch the head and flow thereon) by the baptizer (*i.e.*, the person who pronounces the words must pour or sprinkle the water). But in case of necessity one may use the opinion that Baptism is valid when the water touches only the hair or some part distinct from the head, or even the afterbirth of a fetus; or when one minister baptizes while another says the form.

**2687. Solemn and Private Baptism.**—Though in essentials Baptism is but one, it is distinguished in reference to accidental ceremony into solemn and private.

(a) Solemn Baptism is that which is administered with all the rites prescribed by the Liturgy. It requires consecrated water, sponsors and special ceremonies; its minister is a clergyman (ordinarily the parish-priest or Ordinary, extraordinarily a delegated deacon); its place is the baptistery or church. In the Baptism of adults even greater solemnity may be used, for there is a special rite of administration, and the Church recommends that this Baptism be performed when possible by the Ordinary, or at least in cathedral churches, and on the vigil of Easter or Pentecost.

(b) Private Baptism is given in danger of death, or when an adult convert is rebaptized conditionally (Canon 759). It requires only true and natural water, though the water should be as clean and decent as possible, and baptismal or blessed water is preferable; generally the simple form without other rite suffices; sponsors are not necessary, unless they can be had without difficulty, but if possible at least one or two witnesses should be present; the Baptism may be given in the private home or the hospital or other place where the candidate is staying; anyone who has the use of reason and is able to perform the rite may act as minister. When several persons suitable to minister private Baptism are present, the order of preference to be followed is: priest, deacon, subdeacon, cleric, layman, woman; but a woman should be preferred to a man if modesty calls for this, or if the woman is better acquainted with the manner of baptizing. It is considered a serious sin needlessly to prefer a non-priest to a worthy priest, a non-Catholic to a Catholic, an outsider to the parish-priest. If possible, parents should not baptize their own children, since it is more becoming that the spiritual parent and the carnal parent be different persons.

**2688. Duties of Parish-Priests as to Baptism.**—(a) *Before Baptism.*—Baptismal water should be blessed, added to or renewed, as the ritual regulations of one's place require; the faithful should be frequently admonished in sermons of the serious duty of having their infants baptized as soon as possible (Canon 770); the people should also be told (especially midwives, physicians and surgeons) how lay Baptism is to be given validly (Canon 743).

(b) *At the Time of Baptism.*—Converts preparing for Baptism should be well instructed in the principal religious truths (*viz.,* those contained in the Creed), and precepts (*viz.,* the laws of the Decalogue and of the Church, see **914 sqq**.), and prayers (*viz.,* the Our Father, the acts of faith, hope, charity, and contrition); and they should learn the nature and effects of Baptism. The parish-priest may delegate a deacon to baptize solemnly in his place, if there is a sufficient reason, as when he himself is impeded by sickness, absence, or occupation (Canon 741).

(c) *After Baptism.*—The pastor in virtue of his office has the responsibility of attending to the registration of baptisms in the proper book (Canon 777). The registration should be made without delay—that is, before the sponsors have departed, or immediately after the ceremony, or at least on the same day, if possible; the entry should be made accurately and legibly. The duty of keeping proper baptismal records is considered grave, since important evils would follow on their neglect.

**2689. Duties of Parents and Guardians in Reference to Baptism.**—(a) *As to Administration of Baptism.*—Parents are obliged under grave sin not to expose their children to the loss of salvation by undue delay of Baptism (see **2344, 2630**). If there is danger of death, a child must be baptized at once; if there is no immediate danger of death, the child must nevertheless, on account of the absolute necessity of Baptism, be baptized as soon as possible. Some moralists consider a needless delay gravely sinful if it exceeds three or four days; others, if it exceeds ten or eleven days. Since infants can be baptized in the womb, a mother is not obliged to undergo the Cæsarean operation to ensure Baptism; but she may permit the operation for the sake of a more certain Baptism, unless her obligations to husband or other children will suffer on account of the danger to her life. If a mother dies in pregnancy, the fetus should be extracted and baptized. The duty here rests with the relatives and the physician (Canon 746).

(b) *As to Details of Baptism.*—Parents should choose suitable names for their children, avoiding such as are obscene, ridiculous, or impious. It is advisable that the name of a Saint or of of some other person distinguished for holiness be chosen, for this will be of a spiritual advantage to the child and an edification to others. Parents have the right to appoint the sponsors of their infant children, and should choose only those who are canonically admissible. If Baptism has been administered at home, the parents should, if the child survives, bring it as soon as possible to the church for conditional Baptism, or for the baptismal ceremonies (Canons 759, 760).

**2690. Sponsors.**—From early times the Church has required in Baptism the use of sponsors, and the reasons for this usage will appear from the duties of these god-parents. The present law (Canons 762 sqq.) retains the ancient tradition, and prescribes as a serious duty that in Solemn Baptism (even of adults, whenever possible) there shall be at least one sponsor (male or female), and that not more than two be used, one a male and the other a female.

(a) *Requirements for Validity*—Since the sponsor takes obligations, he must have the use of reason and give consent to the office; since he is charged with the duty of spiritual guidance, he must be baptized and not be a member of a heretical or schismatic sect; since he exercises an office of honor, he must not be under the displeasure of the Church by sentence of excommunication or the like; since he is to act as spiritual father, he must not be the parent or spouse of the baptized; since he is to stand for the baptized person, he must be designated by the latter or his parents or by the minister. The sponsor must also indicate (in person or by proxy) his acceptance of the care of the baptized person by physically touching him at the moment of Baptism (either by holding the infant over the font, or by placing a hand on the candidate), or immediately after the Baptism (by raising from the waters or receiving from the hands of the minister the one who has been immersed, or by taking from the font one who has been baptized by pouring). Non-Catholics, therefore, may not be sponsors, but to avoid great offense or other serious evil they may sometimes be admitted as witnesses or honorary sponsors (see **956 sqq.**).

(b) *Requirements for Lawfulness.*—The sponsor should have reached his fourteenth year (unless the minister sees fit for a just cause to admit a younger person), and should know the rudiments of faith; he must be a person of respectability among Catholics, and hence one who is notorious on account of certain penalties or on account of crime or of membership in the Freemasons is not acceptable; he must be free to act as sponsor, and hence religious and clerics in Major Orders must have permission of their superiors.

**2691. Duties of Sponsors.**—(a) They are obliged to look upon their spiritual children as their perpetual charges, to see to their Christian education and to the fulfillment of the baptismal promises for which they stood surety (Canon 769).

(b) These obligations are grave, since the matter is grave; but, as the care of children falls principally upon the parents, it is only when the parents neglect their duty that the sponsors are held to do what they can for the instruction and correction of their god-children (*Catechism of Council of Trent,* page 175).

**2692. Duties of Adult Recipients of Baptism, or of Those Who Have the Use of Reason.**—(a) *Before Baptism.*—An unbaptized person who has faith and who sees the necessity of Baptism, is gravely obliged to ask for Baptism at once, if he is in danger of death, or as soon as he conveniently can, if he is not in danger of death; for since Baptism is the divinely appointed means of entering the Church and of sharing in its privileges, he who would delay it unduly would disobey an important command of God and would be seriously neglectful of his own salvation. For a sufficient reason, however (*e.g.*, for the sake of instruction or probation, or to avoid persecution), Baptism may be delayed even for years; but the catechumen should then make at once an act of contrition or charity so as to obtain the benefit of Baptism of desire. Converts should prepare for Baptism by taking a course of instructions, or, when there is danger of death, a summary instruction (**791 sqq.**).

(b) *At Baptism.*—The internal dispositions include, besides intention, faith and repentance: "He that believeth and is baptized shall be saved" (Mark, xvi. 16); "Do penance and be baptized" (Acts, ii. 38). There must be an explicit faith in the four chief mysteries (see **789**). In this country converts who are being baptized conditionally make an abjuration and profession of faith before Baptism, and go to confession and receive conditional absolution after Baptism. The Code recommends that those who are well receive Baptism fasting; and that, unless grave reason excuses, the neophyte assist at Mass and receive Communion after his Baptism (Canon 753).

(c) *After Baptism.*—Since Baptism makes one a member of the Church, those who receive it are subject to church laws. The promises made in Baptism are not strictly vows, but an engagement of loyalty to the faith and the commandments (see **2191**).

**2693. Duties of the Minister of Baptism.**—(a) *In Reference to the Parents.*—If the parents insist on giving an unsuitable name to their child, the pastor should silently add a suitable name of some Saint chosen by himself, and should inscribe both names in the register (Canon 761). A child of non-Catholic parents should not be baptized by Catholics, unless this can be done without injury to the natural right of the parents of training their own children and without danger to the future perseverance of the child. Hence these children, if infants, should not be baptized against the will of their parents unless they are in danger of death and can be baptized without too great inconvenience; but if a child is able to judge for himself, or if there is no parental opposition (at least not of both parents), and there are good reasons to believe that the child will be brought up as a Catholic, he may be baptized (Canons 750, 751).

(b) *In Reference to the Sponsors.*—If a sponsor cannot be admitted, the pastor must use great kindness and prudence, so as not to give offense. If a non-Catholic has been appointed as sponsor, the difficulty may sometimes be overcome by naming a sacristan or servant as sponsor and permitting the non-Catholic to act as witness.

(c) *In Reference to the Capacity of the Recipient.*—The minister must give the Sacrament only to those who are capable. Hence, he cannot baptize what is not human (*e.g.,* uterine growths which do not pertain to a fetus), or not living (*e.g.,* a stillborn infant), or not unbaptized (*e.g.,* a convert or an infant about whose valid Baptism there is no reasonable doubt). Speculatively there is some difficulty about Baptism of unborn fetuses, of abortive fetuses, and of monstrosities (*e.g.,* an infant with two heads or two hearts). For, as to the first, it seems that the physically unborn are incapable of spiritual rebirth; as to the second, it seems that the soul of an undeveloped fetus may be sub-human; and, as to the third, it may be doubtful whether a monstrosity is one individual or several individuals. Practically, however, one should proceed on the principle that the Sacraments are for men, and give the benefit of a doubt to the infants by conditional Baptism. Intra-uterine Baptism should not be used except in case of urgent necessity, and it is then permissible to employ a mixture of one part of chloride of mercury with two parts of water to avoid infection. Midwives, nurses, mothers, and physicians should be especially careful to baptize abortive fetuses, and should know how this can be done (see Commentaries on Canons 746–748).

(d) *In Reference to the Willingness of the Recipient.*—An infant is not required to will the Sacrament, and hence the perpetually insane, who are unable to distinguish between right and wrong, may be baptized without any desire on their part. But an adult must intend to be baptized (see **2671** b). Hence, the minister must inquire about the wishes of an adult candidate. If an unbaptized person is now out of his mind (insane, afflicted with lethargy or sleeping sickness, delirious), but formerly had the use of reason, he is classed with adults, and his intention has to be considered. He should not be baptized, therefore, until he comes to himself, unless there is danger of death and signs of a desire to receive Baptism were given before (Canons 745, 754).

(e) *In Reference to the Worthiness of the Recipient.*—The minister should remind the candidate of the duty of attrition. If the person who asks for Baptism wishes to retain certain habits (*e.g.,* superstition, concubinage, or unlawful business) which cannot be reconciled with Christianity, he cannot be regarded as suited for Baptism. But in danger of death good faith should not be uselessly disturbed.

(f) *In Reference to the Pastor.*—Solemn Baptism either in or out of one's territory may not be given without permission from the proper pastor who has jurisdiction (Canons 738–740). And a minister who is not the pastor of the baptized person must send notice of the Baptism to the pastor, as soon as possible, if the latter was not present (Canon 778).

(g) *In Reference to Himself and the Sacrament.*—The minister should inform himself, if necessary, about the existence or validity of a previous Baptism, and he should observe the ceremonies, essential and accidental, of his Rite. Foundlings should be baptized conditionally, unless it is certain that they have been already baptized validly (Canon 749). The internal dispositions of intention and state of grace are necessary, while for baptism of adults fasting is advisable (Canon 753).

**2694. The Sacrament of Confirmation.**—Next to Baptism, not in necessity or dignity but in likeness and in time, is Confirmation; for Confirmation completes the work begun in Baptism, and it is also frequently received immediately or next after Baptism. It may be defined as "the Sacrament in which through the anointing with chrism and the prayer of the bishop a baptized person is perfected and strengthened in the grace received and signed indelibly with the character of soldier of Jesus Christ."

(a) The element of the Sacrament (remote matter) is *chrism,* that is, a mixture of olive oil and balsam specially blessed by the bishop and applied (proximate matter) by an anointing and the imposition of hands on the forehead of the recipient. The law of the Church requires that the chrism be new (*i.e.,* made at the last previous consecration of oils), and that the anointing be made with the right thumb in the form of a cross.

(b) The form of Confirmation in the Latin Church is as follows: "I sign thee with the sign of the cross, and I confirm thee with the chrism of salvation in the name of the Father and of the Son and of the Holy Ghost."

**2695. The Minister of Confirmation.**—(a) *Qualifications.*—The ordinary minister of this Sacrament is only the bishop; but a priest may act as extraordinary minister, either from the common law (*viz.*, Cardinals, Abbots, etc.), or from special indult (Canon 782). The bishop may confirm outsiders in his own diocese, unless their own Ordinary forbids, and with permission he may confirm outside his diocese (Canon 783).

(b) *Duties.*—The minister of this Sacrament should confer it when his subjects reasonably request it, and the Ordinary should see that the Sacrament is administered to his people, if possible, at least every five years (Canon 785). It would be unreasonable, however, to expect a bishop to go to every sick or dying person who desires Confirmation, as the Sacrament is not necessary for salvation and the task would be morally impossible. The Sacrament should be performed validly, worthily, and rubrically. That Confirmation be given fasting is of counsel, not of precept. The use of a sponsor in Confirmation seems to be a grave obligation, when possible. A recipient can have but one sponsor, and a sponsor can act for only one or two *confirmandi,* unless it appear to the minister that there is sufficient reason to have a sponsor act for more (Canon 794). The pastor of the recipient, if he is unaware of the Confirmation, should be notified as soon as possible (Canon 799).

**2696. The Recipient of Confirmation.**—(a) *Qualifications.*—The subject of this Sacrament is only a baptized person, and in adults intention is necessary. The general custom in the Latin Church is not to confirm before the seventh year, or thereabout, has been attained; but the Sacrament may be given even earlier, if an infant is in danger of death, or if there seems to the minister to be a just and grave reason for confirming one under seven years of age (Canon 788). Those who have the use of reason should not be admited to Confirmation without previous instruction on the nature of the Sacrament and the requirements for its proper reception.

(b) *Duties.*—There is an obligation to receive this Sacrament when one has the opportunity (Canon 787); but apart from scandal, contempt, or danger to salvation the obligation seems light. Hence, if a person advanced in years is ashamed to receive Confirmation with the children, he should be advised but not reproved; nor should he be denied absolution as if he were certainly guilty of serious fault. The recipient should be in the state of grace, and it is advisable that he go to confession beforehand if he have serious sin on his conscience. Though not necessary, it is more suitable that the recipient be fasting. A new name may be taken in Confirmation, and it is proper that those whose baptismal name is unsuitable should either have it changed at this time or add the name of a Saint. Those who are being confirmed should be present for the entire ceremony (Canon 789).

**2697. The Sponsors in Confirmation.**—(a) *Qualifications.*—The requirements for validity are, *mutatis mutandis,* practically the same as for baptismal sponsorship. Thus, the sponsor must be designated by the parents or the candidate, or, in default of them, by the pastor or minister; he must not be the parent or spouse of the *confirmandus;* he must physically touch the *confirmandus* at the moment of Confirmation. Further, it is required that the sponsor be already confirmed himself. The requirements for licitness are the same as for Baptism, and moreover, as a rule, the sponsor at Confirmation should be of the same sex as the recipient and be different from the baptismal sponsor (Canons 795, 796).

(b) *Duties.*—The godfather at Confirmation contracts a lifelong spiritual relationship with his godchild. The latter should have a special place in his prayers according to the order of charity, and, if necessity arises, should receive his protection and assistance in spiritual matters (Canon 797).

**2698. Duties of the Pastor in Reference to Confirmation.**—(a) The pastor should instruct his people on the nature and advantages of Confirmation and should see to it that they receive the Sacrament in due time (Canon 787). At appointed times each year he should hold a continuous course of instructions over a period of several days in order to prepare the classes of children for the proper reception of Confirmation (Canon 1300).

(b) The pastor should see that the Confirmations of his parishioners are entered in a special book of record, and should also note in the baptismal register the fact of Confirmation (Canons 798, 470, n. 2).

**2699. The Sacrament of the Eucharist.**—This is the chief Sacrament, for, while the other Sacraments produce the grace or the grace and the character of Christ, this one contains Christ Himself; and, while the other Sacraments are means that prepare man to consecrate or to receive the Eucharist or at least symbolize it, the Eucharist is the end of them all. The Eucharist may be defined as follows: "The body and blood of our Lord Jesus Christ present through the words of consecration under the appearances of bread and wine to be offered to God and to be received by man." Thus, we may distinguish various aspects of the Eucharist.

(a) It is a sacrifice, since the Mass is the supreme act of worship and is one with the sacrifice of the cross (see **2178 sqq.**).

(b) It is a permanent Sacrament, since unlike the other Sacraments it does not consist in the passing application of a sacred sign to a recipient, but in the abiding presence of a thing absolutely sacred contained under sensible forms.

(c) It may be considered in its passing phases of beginning, in which it is consecrated by the priest (performance of the Sacrament), and termination, in which it is received by the communicant (application, dispensation of the Sacrament).

**2700. The Matter and Form of the Eucharist.**—Since the essence of a Sacrament is found in the outward sign, it is commonly held that the Sacrament of the Eucharist consists in the species of bread and wine as signifying the body and blood of the Saviour, which is really, truly and substantially contained under them.

(a) The matter of the first consecration is that which Christ used, namely, *bread*. The bread must be true bread in the strict and usual Scriptural sense of the word. Hence, for validity it is necessary that it be made from wheat flour (bread made from beans, peas or other legumes, bread made from non-wheaten cereals such as corn, oats, and probably also rye and barley, is not valid matter); that the flour be mixed with water (bread made from a notable quantity, *i.e.,* about one-third of other liquid, such as milk, oil, wine, is invalid matter); further, that the mixture be sufficiently baked (dough or half-baked cakes are invalid matter). The bread must be entire and not substantially adulterated or changed; hence, bread from which all the gluten has been abstracted, bread to which a notable amount of foreign substance (such as sugar or non-wheaten flour) has been added, bread so old that it has corrupted, cannot be consecrated. Accidental qualities do not affect validity, and hence any kind of wheat may be used (hard, soft, red, or white). But the church law strictly requires that a priest observe the tradition of his own Church (*i.e.,* among Latins the bread must be unleavened and the host round), and that all consecrated matter be new (*i.e.,* not baked more than fourteen days, or, according to others, twenty or forty days), clean, and unbroken. The small particles for the laity should be about one inch in diameter, the large hosts about two or three inches; and all altar breads should be of moderate thickness.

(b) The matter of the second consecration is likewise that appointed by Christ at the Last Supper, namely, *wine.* Only wine strictly so called according to Scriptural and common usage is valid matter. Hence, the Eucharistic wine must be made from grapes, and consequently cherry wine, currant wine, peach wine, blackberry wine, cider, wild grape wine, artificial wine, etc., are insufficient; the grapes must be ripe, and verjuice is therefore invalid matter. The wine must also be entire, unadulterated, and uncorrupted; and hence wine from which all the alcohol has been removed, brandy or cognac (*i.e.,* spirits distilled from wine), wine to which a notable quantity of water, tartaric acid, sugar, alcohol or other substance has been added, and wine which has become vinegar, are not fit matter for the Sacrament. Accidental qualities are of no importance to validity, and hence the wine may be red or white, dry or sweet; it may be made either from ripe or dry grapes (raisin wine); and the Church permits the fortification of weak wine by a process of heating that does not prevent fermentation, or by the addition when fermentation has begun to subside of grape or wine alcohol on condition that the final alcoholic strength does not exceed 12%, or in some cases, if the wine possessed so much, 17% or 18%. But the church law strictly requires for licit mater that wine be fermented, though must or new wine is permissible in case of necessity, if it have about 5% alcohol; that it be neither souring nor frozen, nor mixed with substances added for the sake of aroma, color or sweetness, nor with water poured in before Mass. The tradition and law of the Church, based on the example of Christ, make it a grave obligation that a few drops of water be added to the wine at the altar, but, if the water equals a third part of the wine, the matter becomes of doubtful sufficiency.

(c) The form is contained essentially in the words of consecration used by Christ at the institution of the Eucharist, namely, "Hoc est corpus meum" over the bread, and "Hic est calix sanguinis mei" over the wine. But a grave precept of the Church requires that all the other principal words of the consecration be pronounced (*i.e.,* the "novi et æterni testamenti, etc.," the "Hæc quotiescumque, etc.," the "Qui pridie," the "Simili modo"). The omission of the particle "enim" would be only venially sinful.

**2701. The Minister of Consecration.**—(a) *Qualifications.*—Every priest and only a priest can consecrate validly, for only to the Apostles and their successors in the priesthood were spoken the words of Christ: "Do this in commemoration of Me." But only those priests can consecrate lawfully who have the faculty of celebrating Mass (see **2709**).

(b) *Duties as regards Valid Consecration.*—*Internally,* there must be the intention (actual or virtual) of acting in the name of Christ, and of effecting what the words of consecration signify; and hence a merely narrative recitation of the form is insufficient. This actual or virtual intention must also determine the individual matter to be consecrated, and hence a host placed on the corporal is not consecrated if the priest neither saw it nor took it up for consecration. Small crumbs in the ciborium and small drops of wine on the inner side of the chalice are consecrated, unless excluded by the priest's intention; but drops of wine on the outside of the chalice should be considered unconsecrated, since it is unlawful to consecrate what is not contained in the chalice.

*Externally,* bread and wine must be physically present to the priest, that is, so within his reach or range that according to human usage they can be correctly designated by the demonstrative pronoun "this" used in the form. Accordingly, they must be near the minister; how near cannot be mathematically defined, and authors variously assign about ten, twenty, thirty, forty and fifty paces as the extreme limit. Again, the bread and wine must not be separated from the minister by any dividing partition, such as a wall, or the altar, or perhaps even the closed door of the tabernacle, though a closed container (such as a covered ciborium or chalice) would not put the matter away from the minister's presence. Finally, they must not be behind the minister's back, and, even if they are before him but hidden (*e.g.,* hosts under the corporal or chalice), the consecration is doubtful.

(c) *Duties as regards Lawful Consecration.—Internally,* there must be the state of grace, which the divine law prescribes. Further, one who is conscious of grave sin certainly committed and certainly unconfessed (unless inculpably omitted in confession) must go to confession beforehand, unless there be need to celebrate at once (*e.g.,* because otherwise there will be no parochial Mass on a day of precept, or because grave scandal or defamation will result, or a dying person will be deprived of the Viaticum) and confession is impossible (*i.e.,* there is no confessor present who has jurisdiction, or who can be resorted to without a serious inconvenience extrinsic to confession, and moreover it is very difficult on account of distance, health, weather, or other like reason to go elsewhere to confession). But one who has consecrated without confession because of such necessity must go to confession as soon as possible—*i.e.,* within three days, or, if circumstances so require, earlier than that (*e.g.,* if a confessor can be had the same day, but not again for a week) or later (*e.g.,* if a confessor cannot be had for a week). These rules about confession are of grave obligation, from church law at least (Canon 807). On account of disrespect, it seems that grave sin is committed when the celebrant is voluntarily and advertently distracted during consecration, but he should not repeat the form unless it is certain or very probable that something essential has been omitted.

*Externally*, consecration must be made only during Mass, both species must be consecrated, a larger quantity must not be consecrated than can be conveniently used, the matter at the moment of consecration must rest on the corporal and above the stone of the altar, and a ciborium must be uncovered while its bread is being consecrated.

**2702. Inadvertent Neglect of Grave Liturgical Precept.**—Is the consecration valid when the minister inadvertently neglects some grave liturgical precept as to the matter or manner of consecration?

(a) Some authors reply in the negative, because they feel that no priest has the will to consecrate in a way forbidden by the Church under pain of grave sin. According to this opinion, then, if accidentally no water were placed in the chalice, or if the chalice were unconsecrated, or if the ciborium were left off the corporal, the consecration would be invalid.

(b) Other authors distinguish as follows: if the celebrant intended not to consecrate with a material breach of grave liturgical prescription, the consecration would be null; if the celebrant had only the intention to consecrate all valid matter before him, the consecration would be valid. This latter intention, it seems, should be formed by all priests once for all, since it ensures the validity of their consecrations and is not sinful, as it does not aim to violate the rubrics, but only to provide for exceptional cases when a rubric is unintentionally violated.

**2703. The Minister of Communion.**—(a) *Qualifications.*—The ordinary minister of Communion is a priest, the extraordinary minister a deacon. Pastors and other priests to whose custody the Blessed Sacrament is entrusted have the right to give Communion, and others also who have express or presumed permission. The celebrant of Mass may give Communion during his Mass, and, if Mass is private, just before and just after it. A sick priest who is unable to say Mass may communicate himself, at least when there is no other minister at hand; and even a layman may, in the absence of a major cleric, give himself the Viaticum, or consume the Host to save it from profanation (Canons 845–850).

(b) *Duties.—Internally,* the minister is bound *sub levi* to be in the state of grace, and *sub gravi* to be free from censures (such as suspension) which forbid him the exercise of the ministry. *Externally,* he must observe the church laws on the manner, time and place for distribution of the Sacrament (Canons 851, 852, 867–869), and also the liturgical rules for Communion during and outside of Mass, for Communion of the sick and the dying, and for the avoidance of defects in giving Communion (*Rituale Rom.,* Tit. IV; *Missale Rom., de defectibus Missæ*).

**2704. The Recipient of the Eucharist.**—(a) *Those Who May Receive Communion.*—According to divine law, every living person who has received Baptism of water is capable of receiving the Eucharist, infants and the insane not excluded. Ecclesiastical law requires other conditions, which are justified by considerations of respect for the Blessed Sacrament or other good reason. Communion may not be given, first, to those who have not the use of reason (*i.e.,* to infants and the perpetually insane), nor to those who are unable to understand the essential truths of religion and morality (*i.e.,* to those who have always been deaf and dumb or blind, and who are uninstructed); for, on the one hand, the Sacrament is not necessary for these persons, and, on the other hand, there is great danger of irreverence if it be given them. Secondly, Communion may not be given to those who cannot receive without grave peril of unbecoming treatment of the Sacrament, as in the case of those who cough or vomit continually or frequently, or of those who are delirious, or unconscious, or insane. But if the danger is certainly slight (*e.g.,* if the person can swallow an unconsecrated host without spitting it out), Communion may be given, at least the Viaticum or Easter Communion. Next, those persons are denied Communion who cannot receive without scandal (*e.g.,* those who are infamous, such as prostitutes or defamers, persons intoxicated or insufficiently dressed). Finally, no one may receive Communion who has already received it that day, lest the Sacrament become common and be taken without due preparation; but exception is made when it is necessary to communicate a second time in order to comply with the divine law of receiving Viaticum or of saving the Host from profanation (Canons 853–858).

(b) *Those Who Must Receive Communion.*—There is a divine precept that adults receive the Eucharist worthily (John, vi. 54). It obliges *per se,* when one is certainly or almost certainly in proximate danger of death, unless one has recently (that is, according to some, within a week's time) received Communion; for this Sacrament is the wayfarer's provision for his journey to eternity. It obliges also now and then during life, since the Eucharist is man's spiritual nourishment for the journey of life. It obliges *per accidens,* when Communion is necessary to avoid grave sin, for charity to self obliges one to use the means without which serious spiritual harm cannot be escaped. The church law determines the details for the fulfillment of the divine precept. All the faithful who have reached the age of reason, even though they be under seven years, must fulfill the yearly Easter duty (see **2592, 2593**). In reference to First Communion, the Church requires that children who are not in danger of death must have a mental and moral fitness, consisting in a knowledge of the chief mysteries of faith and a devotion towards the Eucharist such as is possible at their time of life. In reference to the last Communion, or Viaticum, the Code declares that it is obligatory, no matter what be the cause of the danger of death; it reminds us that the duty should not be put off too long; it recommends that the Viaticum be administered even to those who had communicated the same day before the danger of death arose, and that it be given on distinct days during the danger. For children who are in danger of death it suffices that they are able to distinguish the Eucharist from ordinary food and to adore it reverently (Canons 859–865, 854).

**2705. Dispositions for Worthy Communion.**—(a) *Dispositions of Soul.*—The divine law requires the state of grace (I

Cor., xi. 27 sqq.), and probably also the previous sacramental confession which the Church prescribes *sub gravi* for one who is conscious of serious sin not yet remitted through absolution. But he is excused from the duty of previous confession who cannot omit Communion now (*e.g.*, because while at the rails he remembers a grave sin and cannot leave without being disgraced) and who is unable to go to confession (see **2701** c). The recipient must also have a knowledge of the Sacrament suited to his mental capacity, and he must desire it, at least habitually. Since the Sacraments are fruitful in proportion to the coöperation given them, and since the presence and visit of Christ deserves honor and recognition, Communion should be received devoutly, and should be preceded by a preparation and followed by a thanksgiving (Canons 856, 731). The faithful may receive in any Rite, but their own Rite is advised for Easter Communion and strongly urged for the Viaticum (Canon 866).

(b) *Dispositions of Body.*—The communicant must be fasting from midnight, and must observe external reverence.

The *Eucharistic fast* is based on primitive tradition, and is enjoined by the Church as a grave obligation that admits of no lightness of matter. The fast is violated by the smallest portion of food or drink or medicine (that is, of any liquid or solid which physicians consider digestible or alterable by the stomach), and hence it is not broken if wood, string, paper, hairs, or fingernails are swallowed; but the food or drink must be eaten or drunk, that is, it must come from outside the mouth and be taken into the stomach in the way of consumption, and hence the fast is not broken by what comes from within the mouth (*e.g.*, blood from the gums, food remaining in the teeth from the previous day) or by what is taken into the stomach in the way of saliva (*e.g.*, the accidental remnants of a mouth wash or of a throat gargle or spray or of a chew of tobacco or gum, when one has spit out the contents as much as possible), or in the way of breathing (*e.g.*, snuff, tobacco smoke inhaled, an insect or a raindrop blown into the mouth), or perhaps in the way of stomach cleansing, as in the small portion of water that remains in the stomach after use of a gastric pump. The fast begins at midnight (*i.e.*, at the first or, as others say, the last stroke of the hour) according to any time in use (local, mean, legal). It is permitted to reckon midnight from any reliable timepiece and by the time either of the place where the last meal was taken or of the place where Communion is received. One who is uncertain, even though the doubt be positive, whether he has broken the natural fast, may go to Communion.

The reasons that excuse from the Eucharistic fast in lay Communion are, in case of the well, the good of the Sacrament (*i.e.*, its preservation from profanation), or the good of self (*e.g.*, avoidance of serious disgrace, as when one who is at the altar rail remembers only then that he is not fasting); in the case of the ill, the danger of death (the Viaticum may be received even daily after nourishment), and under certain conditions chronic and confining infirmity. The certain conditions here referred to are, that the sick person have been confined to his bed or room for a mouth; that there be no sure prospect of his speedy recovery (*i.e.*, within three or four days); that the confessor's prudent advice be had. Under these conditions once or twice a week some nourishment predominantly liquid or some medicine may be taken before Communion. The salt taken in Baptism does not break the fast, and one who has a Papal indult, which is granted for sufficient reasons, may receive Communion when not fasting.

*External reverence* means that one should approach Communion with cleanliness of body, respectability of dress, and modesty of behavior. No one is unfitted for Communion because of inculpable unsightliness (*e.g.*, a sick man who has irremovable scars or deformities, a poor man who cannot afford any but the simplest garb, a crippled person whose gait is awkward). But unwashed hands and face, dirty mouth or teeth, worn or torn dress, and the like, which one avoids elsewhere as unsuited for human company, should be avoided when receiving the Eucharist. Women immodestly dressed should be refused Communion, if otherwise scandal will result (Canon 858).

**2706. Frequent Communion.**—What dispositions are required for frequent Communion (*i.e.*, Communion made several times a week) and daily communion?

(a) The necessary dispositions are the same as for rare Communion, namely, the state of grace and a right intention. Right intention means positively that one have in view the ends that Christ intended when He instituted the Sacrament, namely, that by means of Communion one may please Him, may be more closely united to Him, and may receive a remedy for one's defects and infirmities. Those who receive devoutly have these purposes at least implicitly, which suffices; but it would be a serious sin wilfully to exclude all these ends. Right intention means negatively that one must not frequent Communion merely from routine, or from vanity, or from purely human motives, such as pecuniary profit or advantage. If the true ends are not excluded, these improper motives do not exceed a venial sin.

(b) Useful, but not necessary, dispositions are freedom from venial sins, especially such as are deliberate, and freedom from affection for venial sins.

**2707. Duties of Parents, Pastors, Confessors in Reference to Communion.**—(a) *Parents.*—The obligation of the Easter duty for boys under fourteen and for girls under twelve rests morally and juridically upon the consciences of those who are charged with their care, namely, parents, guardians, pastors, and confessors (see **2630, 2631**). The parents are the best judges of the mental development, moral disposition and instruction of their children, and therefore of their fitness for First Communion (Canons 860, 854, n. 4).

(b) *Confessors.*—The decision or counsel about the fitness of children for First Communion, of penitents for frequent or daily Communion, about the lawfulness of Communion without fasting in case of the sick, about the frequency of the Viaticum, is left by the Church to the prudence of the confessor (Canons 860, 863, 864, 858, n. 2).

(c) *Pastors.*—The Code prescribes that pastors be especially zealous in the matter of holding Lenten classes for the instruction of children in order that they may receive their First Communion worthily; it vests in the pastor the duty of seeing that no child approaches First Communion who has not the use of reason or proper dispositions, as well as of seeing that those children who are fit receive Communion without delay; it also requires that he provide for the fuller instruction in Christian doctrine of children who have made their First Communion (Canons 1330, 854, n. 5, 1331). Pastors should recommend to their people the practices of frequent Communion and of worthy Communion at every Mass they hear, and should take care that the dying receive the Viaticum while they are in possession of their mental faculties (Canons 863, 865). On the duty of administering Communion see **2676.**

**2708. Reservation of the Blessed Sacrament.**—Having considered the duties owed to the consecration and communion of the Eucharist, we shall conclude by mentioning those that are owed to the Sacrament in its permanency or to Christ dwelling in the tabernacle.

(a) *The Duty of Custody.*—The Blessed Sacrament must be reserved in cathedral, abbatial, parochial, and religious churches; and it may be reserved with due permission of the Ordinary in collegiate churches and in certain public oratories; but there must be someone in charge, and it is not allowed to reserve the Eucharist in private homes or to carry it about when travelling. Churches which have the Blessed Sacrament should be open at least a few hours daily to the faithful. It is not lawful to reserve the Sacrament habitually on more than one altar of the church, and that altar should be the one that is most honorable or most suited for worship, and it should be suitably decorated. The tabernacle should be as precious as possible and be carefully guarded, and the Hosts should be reserved inside in a solid pyx or ciborium. Before the tabernacle should burn day and night a sanctuary lamp fed by olive or other oil (Canons 1265–1271).

(b) *The Duty of Renewal of the Hosts.*—The consecrated species kept for Communion and adoration should be frequently renewed, lest they be corrupted. It would be a serious sin of irreverence to neglect this duty for over one or two months, or even for a shorter time if the danger of corruption is great on account of local conditions, such as dampness (Canon 1272).

(c) *The Duty of Worship.*—Pastors and others in charge of religious instruction should encourage devotion to the Eucharist, and especially the practice of assistance at Mass even on weekdays and of visits to the Blessed Sacrament. Benediction may be given frequently, and at least once a year there should be held in every parish church the Devotion of the Forty Hours, or at least some more solemn exposition of the Blessed Sacrament for a number of hours (Canons 1273–1275).

**2709. The Sacrifice of the Mass.**—In the Eucharist is contained not only a Sacrament which confers the grace of spiritual nutrition on its recipients, but also a sacrifice which offers to God Christ's oblation as an act of adoration, thanksgiving, satisfaction and intercession. It is this sacrifice—which is one with the sacrifice of the cross, though offered unbloodily—that is known as the Mass. The chief persons who have duties in reference to the Mass are the celebrant and the assistants.

(a) The celebrant is the priest, who acts in the name and person of Christ. To say Mass *validly* one must have the power of Orders conferred in the presbyterate or priesthood, and must intend to consecrate (see **2701** b); to say Mass *licitly* one must be free from impediments which debar from Mass, such as suspension or irregularity. Strange priests who wish to say Mass are required to present a *celebret* or testimonial letter to the rector of the church (Canon 804).

(b) The assistants are all those who hear Mass. Their duties were already explained in the question on the first precept of the Church (**2576 sqq.**). We shall confine ourselves here, therefore, to the duties of the celebrant.

**2710. The Obligation of Saying Mass.**—(a) *The Obligation by reason of Orders or Priesthood.*—Divine law imposes on priests as a body a grave obligation of celebrating Mass with such frequency that the memory of Christ's passion be kept alive, which is the purpose of the priesthood, according to the words: "Do this in commemoration of Me." Divine law also imposes on each individual priest the obligation of saying Mass at frequent intervals (*i.e.,* at least, it would seem, on the greater feasts and at dates not more than six months apart); for a priest is ordained primarily to give glory to God and to impart blessings to man by the Sacrifice of the Mass (Heb., v. 1). It seems, therefore, that a priest receives grace in vain or neglects the sacrifice (II Cor., vi. 1; II Mach., iv. 14) if he omits Mass on the most solemn occasions of the year when nearly all the faithful are accustomed to receive Communion, or if he omits it for such a notable period as more than six months. It seems that the sin is *per se* venial, as being opposed to fervor rather than to charity; but it may be mortal *per accidens,* as when serious scandal is given. There is no sin, however, if a priest has no opportunity to celebrate, or is lawfully impeded (*e.g.,* on account of humility, scrupulosity, illness, or censure). The law of the Church recalls this obligation in Canon 805, and calls on bishops and religious superiors to exhort their subjects to say Mass at least on all Sundays and holydays. Daily Mass is quite customary today, and there might be serious scandal if without reason Mass were said only exceptionally.

(b) *The Obligation by reason of Special Offices or Duties.*—Pastors are bound to say or provide Mass for their people on days of obligation as a duty of justice, and it seems on other days also as a duty of charity if there is a great need or demand and no reasonable impediment. There is an obligation of justice to celebrate Mass, if one has contracted to do so; an obligation of fidelity, if one has freely promised; an obligation of religion, if one has vowed; an obligation of obedience, if one has been lawfully commanded by one's superior.

**2711. Dispositions for the Celebration of Mass.**—(a) *Dispositions of Soul.*—The celebrant must be in the state of grace, and must go to confession before Mass if he has a serious sin on his conscience (see **2701** c). He must have the intention and attention which the validity of the consecration requires (**2701** b), and the reverence and devotion which is due the prayers of the Mass (**2153 sqq.**). Voluntary and fully deliberate distractions entertained for a considerable time during the Canon seem to be seriously sinful. It is most suitable, though apparently not commanded by the Church, that Matins and Lauds be said before Mass. There is, however, a duty of religion and of charity to self to make a suitable preparation and thanksgiving; but negligence here is a light sin, unless there be contempt or serious scandal. Fifteen minutes or a half-hour is recommended by ascetical writers, and the prayers may be taken from those given in the Breviary and Missal. Internal prayer, however, is more important than external recitation (Canon 810).

(b) *Dispositions of Body.*—The Eucharistic or natural fast is of grave obligation for the celebration of Mass (Canon 808). The only excuses are necessity according to divine law or exemption by ecclesiastical law. Necessity occurs when one must complete the sacrifice (*e.g.,* when after the Communion the priest notices that he consecrated one species invalidly), or must avoid scandal (e.*g.,* when a priest remembers after going to the altar that he is not fasting), or must consecrate for the Viaticum (*e.g.,* when there is no consecrated host for a dying person). Since the law is ecclesiastical, the Church could dispense for a grave reason (*e.g.,* to enable a sickly priest to say Masses on Sunday at widely separated points of his missions). It is clear that the celebration of Mass calls for cleanness of body, suitableness of dress, neatness and rubrical correctness of vestments (Canon 811). The omission of a principal vestment (*i.e.,* blessed alb, stole or chasuble) is a serious sin, except in grave necessity; the omission of minor vestments (*e.g.,* amice) is a venial sin, unless there is a just reason. The color of the day is not gravely obligatory, except by reason of scandal, and a good reason makes it lawful to use another color.

**2712. Gravity of Regulations Concerning Circumstances of Mass.**—Serious disrespect or serious scandal is caused by disregard of important regulations concerning the circumstances of the Mass. Hence, the following rules oblige under grave sin, though exceptions are permitted for cases of grave or very grave necessity.

(a) *The Time of Mass.*—Mass may not be said on Good Friday, nor private Masses on Holy Thursday and Holy Saturday. Only one Mass may be said a day, except on Christmas

Day and All Souls' Day, and on other days when there is a reason for bination allowed by the Church. The hour for beginning Mass should not be earlier than one hour before dawn (*i.e.,* in the latitude of New York from about 1:27 a.m. to 5:00 a.m., according to the season), nor later than one hour after noon. But the time is to be understood morally, and it is not a grave sin to begin earlier or later than the times fixed, unless there is a difference of an entire hour (*e.g.,* if one began Mass at 2 p.m.) and no just excuse or dispensation. On Christmas Mass may be said at midnight, but it may never begin before midnight. It is a serious sin to say Mass in less than a quarter of an hour, and a private Mass should not be prolonged beyond a half-hour (Canons 820, 806, 821).

(b) *Place.*—Mass may not be celebrated regularly except in a church or oratory that is at least blessed and is not polluted, execrated or interdicted. It must be said on an altar, and it would be a serious sin, except in grave or very grave necessity, to celebrate without at least one altar cloth or one lighted wax candle, or without a rubrical chalice, paten, or corporal (Canons 822, 823).

(c) *Rites.*—The principal rubrics of the Mass are gravely obligatory, for example, to use an acolyte unless excused by dispensation or necessity, to say each prayer of the Canon, and each part outside the Canon that occurs in every Mass (*e.g.,* the prayers at the foot of the altar, the Gospel), to perform the main liturgical actions (*e.g.,* the Offertory, the breaking of the host, the purification of the chalice). The secondary rubrics oblige under venial sin (see Canons 803, 812–819).

**2713. Is it Lawful to Discontinue a Mass?**—(a) To terminate Mass before the end has been reached is unlawful unless there be a serious reason; otherwise, disrespect is shown the Holy Sacrifice. A grave reason (*e.g.,* sudden sickness) suffices if Mass be discontinued before the Consecration; a most grave reason (*i.e.,* danger of death or of profanation of the Sacrament) if Mass be discontinued between the Consecration and the Communion. But a Mass that is broken off after the Consecration and before the Communion must be completed by the celebrant or another, at least if this can be done within an hour from the time of cessation; else the sacrifice is mutilated.

(b) To interrupt Mass is also unlawful without serious cause. Thus, a grave reason excuses an interruption outside the Canon, for example, to preach a sermon after the Gospel or Communion; but only a very grave reason excuses an interruption during the Canon, for example, a sick call to give a necessary Sacrament (Baptism, Penance, Extreme Unction, or Viaticum) to a dying person.

**2714. Application of the Mass.**—All the faithful, especially those who are present and also the celebrant himself, benefit by the Mass, but there is a special fruit reserved to those for whose intention the Mass is offered by the priest; for the Mass is a sacrifice of intercession, propitiation, and satisfaction, and since the priest acts in the person of Christ he may apply its benefits specially to some particular person or persons. In the following cases the celebrant is bound to make this application of the ministerial fruit of the Mass.

(a) In virtue of their office, pastors are seriously obliged to say Mass for their flocks. There is a natural obligation on account of the relationship between the pastor and the people, and there is also a divine obligation, inasmuch as the priest is appointed to offer gifts and sacrifices for sin (Heb., v. 1). The details of this duty, as to the time, place and person, are prescribed in Canons 306, 339, 466. There is a grave duty of saying for the people the number of Masses which the Church orders; but the non-observance of the circumstances is not a mortal sin, unless it happens frequently and without reason.

(b) In virtue of justice, a priest who has received a stipend is bound to apply the Mass for the intention of the donor, and to observe the conditions of the agreement (*i.e.*, the time, place, and kind of Mass specified by the donor). The duty of application is a grave one, because the loss inflicted on the donor by non-application of the Mass to his intention is serious; the duty of observance of the accidental conditions, however, is not generally grave, but it becomes grave if its neglect inflicts serious harm (*e.g.*, if the donor makes the date of the Mass a *conditio* *sine qua non,* or if the Mass must be said at once on account of an urgent and immediate necessity). Restitution is obligatory if the Mass is not applied, or if essential conditions are not complied with; it is obligatory *sub gravi,* if the stipend equals what is relatively grave matter in theft.

(c) In virtue of obedience, subjects are held to apply Masses for the intention of their prelates, secular or religious, though bishops are counselled to exact this most rarely. The obligation is grave or light according to the intention of the superior, but if the application is also due in justice to the giver of the stipend, there is a serious duty.

(d) In virtue of religion or fidelity, there is an obligation of application when a priest has vowed this to God, or freely promised it to man. The duty is grave or light according to the intention of the vower or promisor (see **2210, 2407**). But if there is an onerous promise (*e.g.,* in a society of priests whose members agree to say Mass for fellow-members who have died), the duty is one of justice. One Mass satisfies several free promises, if distinct Masses were not promised.

**2715. Duties of the Priest as to the Application of Mass.**—(a) *For Whom May Mass Be Applied?*—Mass may be offered for all objects not forbidden. From the divine law it is forbidden to offer Mass for those who are incapable of receiving its benefits (*e.g.,* the demons, infants who died without Baptism, the Saints), or for intentions that are displeasing to God (*e.g.,* for success in evil). From the ecclesiastical law certain restrictions are made on the application of Mass in order to safeguard reverence and prevent scandal. Thus, Mass may be said only privately (that is, without publicity or special liturgical solemnity) and prudently (that is, with avoidance of scandal, for example, by the declaration that Mass is said for the faithful departed with the purpose of aiding also a departed unbeliever, if this is pleasing to God) for the living and dead outside the Church, such as infidels, heretics, schismatics, and the excommunicated. Moreover, for a *vitandus* Mass may be applied only when the intention is his conversion (Canon 809).

(b) *How Mass Must Be Applied.*—The intention must be formed by the priest, since he represents Christ. But since his application does not produce but only bestows the fruits, it suffices that his applicatory intention be habitual and implicit, as when the celebrant has forgotten the intention formed before Mass, or applies according to the mind of his superior. The person or purpose to which Mass is applied must be at least implicitly determined, and the application must be made at least before the second consecration. If there are two conflicting intentions, the stronger prevails (**2667**), and, if it is doubtful which one was stronger, Mass should be next offered for the intention which God knows was not satisfied. It is unlawful to apply Mass by anticipation for the next person who will offer a stipend.

**2716. Mass Stipends.**—It is not unlawful to receive a stipend for the application of Mass, but irreligion, injustice, avarice, scandal and disobedience must be avoided. (a) Irreligion is committed if the stipend is offered or taken as the price of the Mass, or if Mass is said only because of the stipend, or is requested only for the sake of human favor (see **2333**); (b) injustice is committed, if an excessive stipend is exacted; (c) avarice is committed when one is over-anxious about large stipends; (d) scandal is given when there is commercialism or the appearance of it in dealing with stipends; (e) disobedience is incurred when the laws of the Church on the amount of a stipend, the number of stipends that may be taken, their distribution, satisfaction, etc., are violated (see Canons 824–844). It is forbidden to require two stipends for one Mass, or one stipend for mere celebration and another for application.

### Art. 3: REPENTANCE; PENANCE; EXTREME UNCTION

(*Summa Theologica,* III, qq. 84–90; Supplement, qq. 1–33.)

**2717.** Penance is the name both of a virtue and of a Sacrament of the New Law. The virtue was at all times necessary; the Sacrament is necessary since its institution by Christ. Having considered in the previous Article how the spiritual life is begotten, matured and preserved through the Sacraments of

Baptism, Confirmation and Eucharist, we shall consider in the present Article how spiritual death and infirmity are overcome by the remedies of Penance and Extreme Unction. But first we shall speak of the virtue of penance or repentance which is a requisite for the fruitful reception of the Sacrament of Penance and of its complement, Extreme Unction.

**2718. The Virtue of Repentance.**—This virtue is a gift of God and a permanent habit of the soul, but there are certain acts by which man coöperates with God and prepares himself for the gift. Sometimes a sinner is converted through consideration of God's goodness or of the rewards of heaven; but usually those who have been drawn by sinful delights are first deterred from them by the thought of God's justice, and amendment begins from fear. Faith, hope, fear and love, at least virtually, are always found in the process of turning to God, and usually they follow one another in that process in the order here given. (a) The beginning of conversion is with God who draws the heart: "Convert us to Thee, O Lord, and we shall be converted" (Lament., v. 21). (b) Then follows the movement of faith, for he that would come to God must first believe that He is (Heb., xi. 6). (c) Next follow servile fear, which removes one from sin, and hope, which leads one to God, for faith holds out both threats of punishment and promises of mercy. (d) Then come the movements of love, which detests sin for its own sake, and of filial fear, which offers satisfaction to God out of reverence.

**2719. Repentance.**—Repentance may be defined as "a moral virtue that inclines the will of one who is subject to sin to grieve over it and to make reparation to God for the injury it does to His rights."

(a) Thus, repentance has its remote subject in *one who is subject to sin,* that is, in a person who has sinned or who is able to sin. Hence, it is not in Christ, who is impeccable, nor in the holy Angels, whose wills are fixed in good; but it is found in the Saints, inasmuch as their former sin is displeasing to them and their former contrition and satisfaction pleasing.

(b) The proximate subject of repentance is the *will,* for its acts of regret, resolution, and reparation belong to the higher appetitive faculty. Hence, repentance does not consist in emotional sorrow, and it does not need to be sensibly felt or joined with tears.

(c) The formal object or motive of repentance is *reparation to God for the injury done Him by one's own personal sin.* Sin may be considered as opposed to the divine goodness, and in this respect it is detested by charity; or as opposed to the good of man himself, and so hope detests it; or as opposed to the moral goodness of some particular virtue, and in this respect it is hated by that virtue, as temperance shuns intemperance; or as opposed to the right which belongs to God, the Last End, that all actions be done for Him, and in this respect sin is considered by repentance. One may regret original sin or sins done by others, but one is not properly said to repent of them.

(d) The material object or subject-matter of repentance is the acts by which reparation is made to God, namely, *grief over sin* and its accompaniments, hatred of moral wickedness in the present, regrets for the past, and good resolutions for the future. Thus, repentance differs from religion, for religion looks upon God as Lord and Benefactor and offers Him worship, while repentance considers Him as the Last End who has been offended and offers Him satisfaction. The difference between filial fear and repentance is seen in this, that the former falls back upon its own littleness, whereas the latter throws itself at the feet of God.

**2720. The Character of Repentance.**—(a) It is a virtue, since it is commanded (''Do penance,'' Matt., iii. 2), and also since it moderates according to reason the sorrow felt for sin, keeping it from the extreme of despair, lest it become the remorse of a Cain or a Judas.

(b) It is a moral virtue, since its direct object is the human acts by which reparation is made to God, and its office the regulation of those acts within the bounds of moderation.

(c) It belongs to justice, being a compensation offered for injury to another's right; but it is only a potential part of justice, as there is not perfect justice between an inferior and the superior to whose power the former is subject (**2142**). It is classed under commutative justice on account of the return that is offered for the offense.

**2721. The Excellence of Repentance.**—(a) *Its Dignity.*—Repentance ranks below other virtues, for, while they are naturally advantageous to man, repentance is beneficial only hypothetically, namely, in the supposition of sin. In one respect, however, it holds a certain preëminence, for the infused virtues are bestowed only in justification, whereas the acts of repentance that prepare for justification come before those virtues.

(b) *Its Necessity.*—In the actual providence of God no mortal sin is remitted unless it be first repented of, and hence it is said: "Unless you do penance, you shall all likewise perish" (Luke, xiii. 5). This is reasonable, since it is fitting that he who has turned away from God by his own act, should also return to God by his own act. As to venial sin, since it consists in an inordinate cleaving to created things and must be removed by its contrary, there is need of an actual rejection of the exaggerated attachment, and hence need of repentance; moreover, since one should be restored to God's friendship before being restored to His familiarity, penitence in regard to a venial sin does not avail, unless the penitent is in the state of grace. The act of repentance need not be formal (*i.e.,* one in which a person expressly thinks of his sins and expressly detests them), but a virtual act suffices, that is, an act of love of God which implicitly includes repentance, though the latter is not expressly taken into consideration.

**2722. Is Repentance Necessary as a Means or as a Precept?**—(a) It is necessary as a means of salvation because, if it be omitted, salvation cannot be attained. God desires that the sinner assist in and consent to his own forgiveness, and repentance, as we saw, is the most suitable way in which the sinner can do this. (b) It is also necessary as a precept. The natural law requires that those who have done an injury, make reparation; the divine law calls on sinners to repent and be converted to God (Acts, ii. 38, iii. 19, viii. 22), and the church law prescribes annual confession.

**2723. How Soon Does the Precept of Repentance Oblige?**—(a) It obliges at once (*i.e.,* without any delay), when there is immediate necessity for it. This happens *per se,* when one is in grave danger of death, for at that moment one is bound to prepare immediately to meet God, which supposes repentance. It happens *per accidens,* when by reason of some urgent precept distinct from that of repentance one is obligated here and now to rid oneself of sin (*e.g.,* when one is called on to administer a Sacrament and must have a pure conscience, or when one is gravely tempted and will surely fall unless one repents of the past).

(b) It obliges soon (*i.e.,* without any unreasonable delay), when there is no immediate necessity. It is not a new sin to put off repentance until tomorrow or next week in such a case; for the commandment of repentance, being affirmative, does not bind for each instant, but only for a reasonable time. But the common opinion is that a new sin is committed when repentance is delayed for a considerable time, since this exposes the sinner to further sins, impenitence, and damnation. Practically, it seems that those who comply with the church law of yearly confession commit no sin of unrepentance, though some consider it a mortal sin to delay repentance beyond a month.

**2724. Accompaniments of Repentance as to Mortal Sin.**—(a) When one mortal sin is forgiven, every other mortal sin is forgiven at the same time. For no one can be truly repentant unless he grieves over his separation from God, and this means that he grieves over each individual mortal sin. But, since venial sin does not separate from God, it is possible to be sorry for one venial sin without being sorry for another.

(b) When mortal sin is forgiven, the eternal punishment is also forgiven, for forgiveness makes man a friend of God and an heir to heaven. But the temporal punishment may remain due, as is proved by the examples of Adam (Gen., iii. 23; Wisd., x. 2), of Mary, the sister of Moses (Num., xii.), of Moses (Num., xx. 12), of David (II Kings, xii. 13, 14), and of others. God is not only a merciful Father, but also a just Ruler, and it is fitting that He should exact satisfaction even for sin forgiven.

But if repentance is very perfect like that of Magdalen and St. Paul, even the temporal punishment is forgiven.

**2725. The Fruits of Repentance.**—(a) Every sin, no matter how grievous, is removed by repentance (Is., i. 18); and hence there is always room for forgiveness. For man is always able to repent and God is always ready to pardon the penitent (Joel, ii. 13). The unpardonable sin is refusal to repent of sin, if one continues in that refusal, but even impenitence is forgiven when laid aside (see **900**).

(b) Sin once forgiven does not return, for God does not regret His gifts (Rom., xi. 29), and His pardon means that the guilt of a sin is destroyed and wiped out forever. But he who falls into the same sins after pardon increases his guilt by reason of his ingratitude.

(c) The repentant sinner recovers the infused virtues he lost by sin and also his former merits (Luke, xv. 22; Joel, ii. 25; Ezech., xxxiii. 12; Heb., vi. 10). Virginity of body and innocence of soul are not recovered as to their material elements (*i.e.*, bodily integrity and freedom from all sin), but they are restored as to their formal part, which is the resolve to abstain from all venereal pleasure or to avoid all sin. It seems that former merits are also recovered, not necessarily in their entirety, but in a degree that corresponds with the greater or less excellence of repentance.

**2726. Forgiveness of Sin through the Use of the Sacraments.**—(a) Mortal sins are forgiven by the Sacraments in virtue of the rite itself (*ex opere operato*) and immediately; that is, the Sacraments either *per se* or *per accidens* (according as they are Sacraments of the Dead or Sacraments of the Living) produce in the soul first grace or justification, which is the opposite of mortal sin.

(b) Venial sins are forgiven by the Sacraments in virtue of the rite itself but not immediately; that is, the Sacraments produce directly either first or second grace, and indirectly through this grace they may awaken fervor, which is the opposite of venial sin. The sacramentals, on the contrary, remit venial sins, not in virtue of the rite itself but in virtue of the intercession of the Church attached to the rite (*ex opere operantis Ecclesiæ*); for the prayers of the Church are acceptable to God and can obtain from Him a grace of repentance that will remove venial sin.

**2727. The Sacrament of Penance.**—For those who lose grace after Baptism the Sacrament of Penance is necessary as a part of repentance and a means of forgiveness. This Sacrament may be defined as "a Sacrament of the New Law instituted by Christ in the form of a judicial process, in which, through the absolution of the priest, sins committed after Baptism are forgiven to penitents who confess them with sorrow."

(a) The *remote matter* of this Sacrament is the *personal sins committed after Baptism,* for Baptism washes away all sins committed before its reception. Of this remote matter, some is necessary (*i.e.,* sins that must be confessed), namely, post-baptismal mortal sins not yet declared or directly absolved in confession; some is free (*i.e.,* sins that may, but need not be confessed), namely, post-baptismal mortal sins already forgiven in confession, and post-baptismal venial sins, whether already remitted or not (Canon 902). Imperfections which are not sins, or whose sinfulness is doubtful, are not sufficient matter for absolution; and if they alone are confessed, absolution may not be given, unless there is necessity, and then it may be granted conditionally (see **185, 186**).

(b) The *proximate matter* of this Sacrament, according to the view commonly held, is *the three acts of the penitent*—contrition in the heart, confession in words, and satisfaction in work. Contrition must exist actually, but the other two acts in case of necessity need not exist actually, but are included implicitly in the act of contrition.

(c) The *form* of the Sacrament is contained in the words of absolution spoken by the priest. Certainly the words, "Ego te absolvo a peccatis tuis," are sufficient for validity. But lawfulness requires that one use the entire form and the other accompanying prayers as given in one's approved Ritual. In case of necessity, as in shipwreck or sudden danger of death, an abbreviated form is permitted. Absolution must be spoken or vocal.

for the Church has never recognized absolution by signs or in writing. It must be given to one who is present, that is, one who is in the same place and not too far away to hear and be heard. Those who are in different rooms that do not open on each other are not in the same place; those who are more than twenty feet apart are too far away for presence, according to the common opinion; but in great need a more liberal view may be followed, and even absolution by speaking tube or telephone may be resorted to.

(d) The *subject* of the Sacrament of Penance is every baptized person who has committed venial or mortal sin after Baptism. If there is doubt about the Baptism or about the sin, absolution may be given conditionally. Besides the conditions given for the Sacraments in general, the recipient of Penance must exercise the three acts of contrition, confession and satisfaction. The first is essential in every case, and the second when possible; and without the third the Sacrament is not integral or complete.

**2728. Probabilism in Administration of the Sacrament.**—In the administration and reception of the Sacrament of Penance it is lawful to follow opinions that are truly probable except in the following cases: (a) when the validity of the Sacrament is at stake (**678**), unless there is a case of emergency (**679**). Hence, as the law of material integrity pertains to the lawful, not to the valid use of Penance, one may use probable opinions in its regard (see **2740**); (b) when the seal of the Sacrament is involved, lest confession become odious.

**2729. Contrition.**—The first act of the penitent is contrition. It is defined by the Council of Trent as a sorrow and hatred for sin committed, with a resolution of sinning no more and a desire of doing what is necessary for the proper reception of the Sacrament of Penance.

(a) Thus, it presupposes a hatred of personal past transgressions, for one grieves only about that which displeases one, and the acts of the will begin with likes and dislikes.

(b) It consists essentially in sorrow or affliction of spirit, for contrition, being the chief act of repentance, looks to reparation to God for the injury done Him, and it therefore punishes the sinner by sadness for his misdeeds.

(c) It includes as a property or consequence the resolution to avoid future sin and to do what God requires for forgiveness; for no one is sincerely sorry for the past unless this sorrow makes him decide not to repeat the offense, and makes him desire to fulfill the conditions that God lays down for reconciliation.

**2730. The Two Kinds of Contrition.**—(a) Perfect contrition is that which is caused by charity, or the love of benevolence or of friendship (**1109, 1110**) towards God. This love is had, whether the object of one's affection is the divine being or persons, the divine and infinite perfections, or a single attribute; for all of these are really God Himself. This contrition justifies the sinner at once, for it includes charity and the will (at least implicit) to do what God wishes, and God takes up His abode with those who love Him (John, xiv. 23). Perfect contrition is necessary, both as a means and as a divine precept, whenever the duty of repentance or of the Sacrament of Penance obliges with a like necessity, and there is no opportunity of receiving the Sacrament; for it is then the only way of recovering grace.

(b) Imperfect contrition, or attrition, is contrition caused by a supernatural motive inferior to that of charity, that is, by any consideration offered by faith that leads one to grieve over sin committed, for example, the heinousness of sin in itself, its eternal punishment by God (*i.e.*, the pain of loss or the pain of sense), or its temporal punishment by God in this life or in Purgatory. This contrition does not justify the sinner without the Sacrament, for it does not rectify or retract the disorder introduced by sin as far as lies within the sinner's power (that is, *ex opere operantis*). By his sin the sinner preferred the creature to God; by his attrition he does not go so far as to prefer God positively to every created good, else his contrition would be perfect. But attrition suffices for justification of the sinner with the Sacrament of Penance, for it includes the essentials of contrition in general, and thus removes the impediments to the activity of the Sacrament (that is, the production of grace *ex opere operato*). The same holds good also of the sufficient disposition for Baptism, and more probably of that for the Sacraments of the Living received in good faith by one who is not in grace.

**2731. Is Attrition Based Solely on Fear of Punishment Laudable?**—(a) Fear of the world is sinful, because it offends God to escape evil (**1044**); slavish fear of God is sinful also, because it makes self the last end, avoiding sin solely because of the harm it will bring on self (**1053**). Sorrow for sin caused by slavish fear is not attrition, and is not laudable.

(b) Servile fear of God in itself is good and supernatural (**1050**), and the sorrow for sin or attrition based on such fear is also good; and if it includes a resolution of amendment, it suffices for justification with the Sacraments. The end (*i.e.*, to escape punishment) is good (Matt., x. 28); the means (*i.e.*, sorrow for sin) is good; and the use of the means for the end is good, for desertion of sin is the way to escape unhappiness (Luke, iii. 7, 8). Nor is it wrong to make a nobler good (such as avoidance of sin) a means to a lesser good (such as escape from punishment) when the lesser good is not made the last end, but only the immediate end, of the greater good. Thus, when we pray for temporal goods, we make a spiritual thing a means to a material end, but the Last End of the prayer is God Himself. Servile fear, unlike slavish fear (*timor serviliter servilis*), does not make self the last end (Denzinger, 818, 1146, 1525).

**2732. Attrition in the Sacrament of Penance.**—Must attrition based on fear of punishment be joined with love of God to justify in the Sacrament?

(a) Some form of love is required, for all contrition is detestation of sin, and sin is not hated unless its opposite is loved. Hence, just as attrition must be accompanied by faith and hope, so it must also be accompanied by some form of love of God (**2718**).

(b) Disinterested love is not required. This is certain as regards love of friendship, for even the smallest degree of that love is charity and justifies even without the Sacrament (**1112, 2730**). This is commonly held in reference to love of benevolence, which seems practically to be always united with love of friendship or charity. A love that inclines to God for His own sake but that does not predominate over other loves is held by some to be necessary, but it is difficult to understand such a love or to see its possibility.

(c) Interested love (the love of concupiscence or of hope) is therefore necessary. The common opinion today seems to be that it also suffices, and that it need be only virtual or implicit. In other words, the prevalent view is that every attrition prompted by fear of punishment contains an initial love of God which suffices to turn the sinner to God and to remove any obstacle to the action of the Sacrament. For "the fear of God is the beginning of His love" (Ecclus., xxv. 16), the hope of pardon is a beginning of love of the Author of pardon and justice, the resolve to amend is an inclination to keep the great command of love of God (**1556**).

**2733. The Conditions for Valid Contrition and Attrition.**—(a) It must be *internal*, for contrition is an act of repentance and must be in the heart. Merely pretended sorrow, and sorrow which one mistakenly thinks one has, are insufficient.

(b) It must be *supernatural*, for contrition is a disposition for the reception of the supernatural habit of grace. Sorrow for sin induced by natural motives, such as the punishments inflicted by human agencies, if these are not viewed in the light of faith, is not sufficient.

(c) It must be *universal*, that is, there must be sorrow for all mortal sins not yet forgiven, for it is impossible to be really sorry for one serious sin while retaining affection for another. But it is not necessary to repent of all venial sins before one is forgiven (see **2724**).

(d) It must be *sovereign*, that is, if the contrition is perfect, God must be loved above every other good; if it is imperfect, sin must be hated above every evil that could lead to sin. If the sinner does not detest his dishonesty more than the privation he will suffer by being honest, he is not really contrite. It is, however, not necessary that contrition be sensibly felt, or be of supreme intensity, or that its act be of long duration; and it is rash to call to mind the kinds of evils or torments one would prefer to suffer rather than commit sin (see **1556**).

**2734. Valid and Fruitful Reception of the Sacrament.**—Some theologians, distinguishing between contrition as matter of the Sacrament and contrition as a disposition of the penitent, hold that it is possible to have a valid but unfruitful reception of the Sacrament, and that revival of its grace is possible. They explain thus:

(a) the contrition required for the matter and the validity of the Sacrament must be such as can be known with moral certainty by the confessor from external indications, and hence it suffices for validity that the sorrow be true and sincere and supernatural;

(b) the contrition required for the disposition of the penitent and the fruitfulness of the Sacrament must be such as excludes all affection for every grave sin and includes the resolution to avoid all mortal sin in the future, and hence it is required for fruitfulness that sorrow be also universal and sovereign.

**2735. Properties of Contrition.**—Since contrition belongs to the matter of Penance, it must have the properties of sacramental matter (**2655 sqq.**).

(a) Thus, the matter must be sensible, and hence contrition must be shown in some external way, as by a sorrowful confession, devout request for absolution, or, in the case óf those who are unconscious, by a call for a priest or the practices or prayers of a Christian life.

(b) The matter must be united with the form, and hence contrition must be elicited at the moment of absolution, or a short time before (not more than a few hours before, according to some, or even a few days before, according to others). But if a penitent recalls immediately after absolution a forgotten mortal sin, and is then absolved from it also, more probably he is not obliged to renew his act of contrition, because the act just made virtually continues; in practice, however, he should be told to make another act of contrition and a new penance or the same penance should be imposed before the second absolution. Moreover, for absolution when one is unconscious and in danger of death, since an habitual intention suffices (**2674**), it seems that contrition made long ago, but not retracted, is sufficient.

(c) The matter must have at least a moral unity of its own parts, and hence the contrition must in some way be directed to the confession; that is, either before or during or after the act of contrition there must be an intention to confess with the sorrow for sin contained in that act of contrition, or to apply that sorrow to the confession just made. Otherwise it does not appear that one has the purpose to make a sacramental confession. But there is no practical difficulty, as every act of contrition contains implicitly the will to confess, or every sincere confession includes the will to use the contrition one has exercised or will exercise.

**2736. Resolution of Amendment.**—The resolution of amendment which true contrition calls for is at least implicit in the hatred of sin, but it is advisable that the penitent expressly resolve to avoid sin in the future. This determination should have the following qualities:

(a) it should be *firm*, that is, the penitent should make up his mind not to relapse into deliberate sin. Yet, it is not necessary that he feel certain of his perseverance, and his resolve does not cease to be firm, if he foresees that he will fall again, provided he is decided to do the best he can;

(b) it should be *efficacious*, that is, the penitent must decide to use suitable means to fulfill his good intentions as to reparation for scandal, calumny, and injustice, as to the avoidance of sinful occasions, etc.;

(c) it should be *universal*, that is, the penitent must resolve at least generically to avoid each and every grave sin in the future. If only free matter (**2727**) is confessed, the penitent may direct his resolution of amendment to all past mortal sins confessed, or to one of the present venial sins declared, or he may resolve to do better in reference to a certain class of sins (*e.g.*, deliberate sins, faults of speech), or he may resolve to diminish the frequency of his venial sins.

**2737. Confession.**—The second act of the penitent is confession, that is, the declaration of one's sins made to a duly authorized priest with the purpose of obtaining absolution. Confession is obligatory both from divine and ecclesiastical law.

(a) According to divine law, the forgiveness of grave post-baptismal sins is subject to the power of the keys, which is exercised in the form of a judgment and requires confession (Matt., xviii. 18; John, xx. 23). This law obliges *per se* in danger of death, and occasionally during life; *per accidens,* when one in sin intends to receive Communion, when one is unable without confession to recover the necessary state of grace or overcome a serious temptation or bad habit.

(b) According to church law, the faithful must go to confession once a year (**2590**), and confession is also prescribed at times for those who wish to receive Communion (**2705**) or celebrate Mass (**2701** c, **2711**).

**2738. The Qualities of Confession.**—(a) Confession is an act of virtue and should have the conditions of a virtue; that is, it should be discreet (*e.g.*, the penitent should not reveal the names or sins of others), willing, and pure in motive (*e.g.*, the penitent should not confess for temporal ends, such as the good opinion of the confessor), and courageous (*i.e.*, the penitent should not be deterred by shame).

(b) Confession is an act of penitence, and, as penitence includes hatred and regret for sin and abasement of self, confession should not be boastful, jocular or proud, but shamefaced, sorrowful and humble.

(c) Confession is essentially a declaration of fact, and hence it should avoid the defects that make a declaration valueless or imperfect, namely, falsehood, obscurity, digression, or concealment. Confession, then, should be truthful, clear, to the point, and entire.

(d) Confession belongs to the Sacrament of Penance, which is the forum of conscience, and hence the penitent accuses himself, submits to the judgment of the father confessor, and is heard in secret. Public confession is valid but not obligatory. Hence, one who does not speak the language of the confessor is not bound to use an interpreter. Regularly confession should be vocal, but for grave reasons (*e.g.,* if the penitent is dumb, or the confessor is deaf, or there is danger of being heard by those nearby) it may be made by signs or in writing. In case of a written confession the penitent should declare orally, if possible, that the writing contains his confession (see Canon 903).

**2739. Is it a Grave Sin to Lie to the Confessor?**—(a) There is a grave sin when the lie deceives the confessor about necessary matter (*e.g.,* when a circumstance changing the theological species of a sin is denied), or about free matter which is the only sin confessed (*e.g.,* when a penitent lyingly accuses himself of only one sin and that a venial one), or about free matter which the confessor asks about and needs to know (*e.g.,* about habits or occasions of sin). He who falsely accuses himself of a grave sin, or who exaggerates the number of his grave sins, *per se* sins mortally; but he is excused if he is ignorant or is under a momentary excitement or delusion. Not only is there grave sin in the cited cases, but the confession is made invalid by the defect in essential matter which the lie produces; for the confessor does not understand the true state of the penitent's soul.

(b) There is mortal sin when the lie deceives the confessor about matter that is impertinent to the confession, but is grave in itself, as when the penitent seriously calumniates a neighbor to the priest. In this case the confession is made invalid by the want of disposition on the part of the penitent.

(c) There is light sin when the lie deceives the confessor about free matter which is not the only sin confessed, or which the confessor does not need to know in order substantially to pass judgment and give direction; also when the lie is not serious and is impertinent to the confession. In these cases the Sacrament is not made invalid, for the insincerity does not change the confessor's decision.

**2740. Integral Confession.**—The completeness or integrity of confession is twofold.

(a) Material completeness consists in the declaration of all mortal sins committed and not yet confessed and absolved. This kind of completeness is sometimes impossible, and therefore unnecessary. For completeness is obligatory in virtue of a positive law of Christ, and positive laws do not bind in case of impossibility (**361**).

(b) Formal completeness consists in the declaration of all the mortal sins which here and now, all things considered, one can and should mention. This kind of completeness is necessary for a valid and fruitful confession, because the law of Christ calls for a complete confession, as far as possible, and formal completeness is possible. Since he who is obliged by a law is also obliged to use the means to keep the law, those who are going to confession should examine their consciences beforehand, unless this is impossible or unnecessary. The time and diligence to be given this examination depends on the person and his circumstances; but all should be careful about it, while avoiding scrupulosity, and should also remember that contrition is even more important than confession.

**2741. Manner of Confession.**—Completeness of confession as regards mortal sins extends to the following points:

(a) the theological and the lowest moral species of a sin (**197 sqq.**) must be given, for otherwise the confessor does not understand the case before him. He who has committed a mortal theft does not satisfy by confessing a venial theft; he who is guilty of the specific sin of calumny does not satisfy by the generic accusation of sins of the tongue. But impossibility excuses, as when the penitent has only a general recollection about a sin;

(b) the number of the sins must be given exactly or, if this is impossible, approximately. He who unintentionally exaggerates the number or tells a sin of which he is not guilty, is not bound to correct this, but he who unintentionally lowers the number to a notable extent should tell in his next confession what was omitted (see **202 sqq.**);

(c) the circumstances that change the species of a sin must be declared, for example, the fact that the person who was scandalized was one's subject, that the person who was treated disrespectfully was one's superior, that the amount stolen was large (see **72**);

(d) the external act that completed an internal sin must be declared, and hence he who committed impurity does not confess properly by saying that he gave consent to impure desires (see **89–93**).

**2742. Disputed Cases.**—(a) *Circumstances that Notably Aggravate a Sin without Changing Its Species.*—For the obligation of confessing these circumstances, it is argued that, if the confessor does not know them, he is unable to guide the penitent properly. Against obligation, it is argued that the species of the sin gives the confessor sufficient knowledge, and that the obligation of confessing aggravating circumstances would make the burden too heavy for the penitent. But all admit that *per accidens* there may be a duty of confessing a circumstance of this kind, as when it makes a sin reserved, or consists in an occasion of sin or evil habit, or when it produces a great change in reference to satisfaction (*e.g.*, the theft of $10,000 is quite different from the theft of $1000).

(b) *As to the Imputable External Effects of a Sin.*—One opinion is that these must be confessed, since they are willed in their cause (**96, 102**); another opinion is that they need not be confessed since they are not sins, but results that followed on a sin; a third opinion answers that they must be confessed if the evil will was not retracted before they happened, but otherwise not. All agree, however, that the sinner in this case should confess that he sinned with foresight of the consequence, and that he should confess the consequence itself if there is attached to it something that should be known to the confessor (*e.g.*, censure, irregularity, etc.).

(c) *Sins Whose Commission, or Gravity, or Remission is Uncertain.*—If the uncertainty is about the fact or gravity of the sin, there is no obligation to confess the sin, even though its commission or its gravity be probable; for the obligation cannot be proved. But if it is certain that grave sin has been committed and uncertain whether the sin has been confessed, a mere doubt or suspicion in favor of confession does not exempt from obligation; a probable opinion in favor of confession excuses according to Probabilism, but it does not excuse according to Equiprobabilism, unless the doubt is about a confession made long ago by one who was careful in making his confessions, or unless there is question of a scrupulous person (**655 sqq., 708, 709**).

**2743. When Material Integrity Is Not Necessary.**—Material integrity is not due because of real impossibility in the following cases:

(a) when there is physical impossibility, as when one is at the point of death and too weak to make confession, or is deaf and dumb, or cannot speak the confessor's language correctly, or cannot finish confession on account of shipwreck or other great peril;

(b) when there is moral impossibility, as when material integrity cannot be had except at the expense of a great temporal or spiritual evil distinct from the inconvenience of confession itself, and there is some serious reason that makes it necessary to go to confession here and now (*e.g.*, the desire of not remaining long in the state of sin). Examples are: great spiritual harm, as when a penitent is scrupulous; great temporal harm, as when the penitent has to flee to escape assassination. Some affirm, while others deny, the duty of mentioning a sin that will defame an accomplice with the confessor, and in practice it seems the duty cannot be insisted on (cfr. **2065**).

**2744. Completion or Repetition of Past Incomplete Confessions.**—(a) Completion of past confessions must be made when they lacked material integrity, if the impossibility has ceased.

(b) Particular repetition is necessary when a confession lacked formal integrity or other essential; that is, if a sin was unlawfully concealed or unrepented of in confession, the sacrilege must be confessed and the previous confession made over, since it was invalid. But if the new confession is made to the same confessor and he has a general remembrance of it, the new confession may be made summarily.

(c) General repetition is necessary when several past confessions were certainly invalid on account of lack of formal integrity or other defect. Thus, he who has made bad confessions for three months must make a general confession of that period of time. General confession is advisable when there is a prudent doubt about the worth of past confessions; it is permissible when it will help a penitent to be more contrite and lead a better life; it is not lawful when it will do harm, as when a scrupulous penitent will be harrowed and maddened by the thought of his past sins.

**2745. Satisfaction.**—The third act of the penitent is satisfaction, which is defined as "a compensation for the injury done to God by sin, appointed by God's minister in the Sacrament of Penance and accepted and performed by the penitent."

(a) This act is a *compensation* or payment made to God as an act of reparation and justice.

(b) The compensation is *appointed by the confessor,* for its chief purpose is restoration of friendship between God and the sinner, and hence equality is not sought, but the good will to do what God's minister imposes.

(c) The compensation is *accepted and performed.* This is required for the completeness, not for the essence, of the Sacrament. He who is really contrite desires to satisfy, he who confesses offers to satisfy; and hence, if for any reason he does not actually satisfy, his satisfaction of desire suffices for the validity of the Sacrament, but his omission to perform the satisfaction makes the Sacrament incomplete.

**2746. The Effects of Actual Satisfaction.**—(a) There is a remissive effect, consisting in the *ex opere operato* release of a portion or of all the temporal punishment due to sin forgiven.

(b) There is a medicinal effect, consisting in the appreciation of the evil of sin, the caution and vigilance against future relapse, and the removal of evil tendencies, which the penitential works inculcate and promote.

**2747. The Conditions for Effective Satisfaction.**—(a) For validity (that is, for discharge of the obligation) the penitent must perform the penance as to essentials in the way prescribed by the confessor, and he must perform it personally, unless the confessor permits or enjoins fulfillment by proxy (Canon 887). A penance performed during the actual commission of or with actual affection for sin, is not a satisfaction, but a new offense.

(b) For fruitfulness it is necessary that the penitent be in the state of grace when he fulfills the penance, for the works of His enemies are not supernaturally pleasing to God. Or, more exactly, a penance done in the state of sin, but without affection for sin and under the influence of actual grace, has no strict right either of justice or of friendship to divine acceptance; but it seems fitting that such penance be accepted by the divine liberality in part satisfaction for sins forgiven.

**2748. The Obligation of Accepting and Performing a Penance.**—(a) *Per se,* the obligation is grave, since the penance belongs to the integrity of the Sacrament, and hence its refusal or neglect is an injury to a sacred thing. (b) *Per accidens,* the obligation may be light, and this is held to be the case when the penance was imposed for free matter, or when the satisfaction prescribed is a light work (such as one or two Hail Marys). A penitent is not bound to accept an unreasonable penance, and he may seek a commutation if such a penance is imposed. As a rule, negligence about the circumstances of a penance (*e.g.,* the time, or posture) is not a grave sin, but exceptionally it may be serious (*e.g.,* if one delays a gravely obligatory penance six months, or so long as to be in danger of forgetting it; if one omits to say a prayer on bended knees when this was chiefly intended by the confessor).

**2749. Causes That Excuse from a Penance Imposed.**—(a) *Commutation.*—If there is a just reason (*e.g.,* the over-severity of the penance), the penitent may have his penance changed to something lighter. The confessor who imposed the penance may be asked to change it, even probably after and outside of confession, and after a long time, and though he does not remember the confession. Another confessor may lessen the penance, but only in confession and after he has heard at least a summary repetition of the sins for which the penance was given.

(b) *Cessation.*—There is no obligation to fulfill a penance in case of impossibility, whether physical (*e.g.,* if the penitent is dying and can neither say the prayers ordered nor ask for a commutation), or moral (*e.g.,* if the penitent has forgotten the penance and cannot conveniently ask the confessor about it).

**275. Requirements in the Minister for Valid Absolution.**—(a) The divine law requires the power of Orders, for only priests were appointed by Christ as the ministers of Penance. (b) The natural law requires the power of jurisdiction, since the Sacrament of Penance is exercised in the form of a judicial process, which supposes authority to judge. (c) The law of the Church requires the approval of the Bishop, or his decision that the priest is a fit person to hear confessions. Approbation is always given along with jurisdiction.

**2751. Power of Jurisdiction.**—The power of jurisdiction is so necessary that without it absolution is null.

(a) Jurisdiction in general is treated in Canons 872 sqq. of the Code. Ordinary jurisdiction is had by the Pope for the whole Church, and by Ordinaries, parish-priests, exempt religious superiors, etc., for their own subjects. Delegated jurisdiction comes from the law itself in favor of penitents who are dying (Canon 882), or who are making a sea voyage (Canon 883), or who are outside their domicile (Canon 881), etc.; while delegated jurisdiction from man is had by those priests who have obtained faculties orally or in writing from the competent superior (Canon 879).

(b) Jurisdiction in special cases is treated in Canons 874, 875, 876, 519 sqq. Religious women living in community should have for each house one ordinary confessor and one extraordinary confessor who comes four times a year. Further, the bishop should appoint supplementary confessors to whom the Religious may freely make their confessions, and special confessors for individual Sisters when spiritual progress is aided by such an arrangement.

**2752. When the Church Supplies Jurisdiction.**—In certain cases the Church, for the good of souls, supplies jurisdiction for the time being to priests who lack it:

(a) in case of common error, that is, when all or many of the faithful in a place think that a priest has jurisdiction, as when he is seated in the confessional of a public church hearing or waiting to hear those who are going to confession;

(b) in case of uncertainty of law (*e.g.,* whether a certain sin is reserved) or of fact (*e.g.,* whether the confessor's jurisdiction has expired) about the confessor's jurisdiction, if the confessor has a positive or probable reason in favor of his right to absolve. The Church supplies jurisdiction in the absolution of a reserved censure whose reservation was not known to the priest, unless it be *ab homine* or most specially reserved to the Holy See (Canon 2247, n. 3);

(c) in case of danger of death, when full jurisdiction is granted to every priest (Canon 882).

**2753. Limitation of Jurisdiction.**—(a) *Reserved Sins or Cases.*—For the sake of discipline and the good of souls the absolution of certain more atrocious or pernicious crimes is reserved to higher superiors, namely, to the Pope or the Ordinary. There are forty-five censures reserved in the Code (Canons 2314 sqq.), thirty-four being papal and the remainder episcopal cases; the cases reserved to themselves by Ordinaries are found in the statutes and regulations of each diocese. Reservation is not incurred in a case reserved on account of censure, if the penitent's act was not gravely imputable; nor probably in a case reserved for its own sake (unless the reserving authority willed otherwise), if the penitent was ignorant (though not crassly or supinely) of the reservation (Canon 2229). To fall under reservation, a sin must be mortal, consummated (*i.e.,* not merely attempted), certain, and formal (*i.e.,* perpetrated with knowledge of the special malice that caused reservation). Reservation ceases when confession is made by the sick who are unable to leave the house, or by those who are about to be married; when the Superior has refused the request for faculties to absolve a reserved case, or the confessor prudently decides that the request for faculties cannot be made without grave detriment to the penitent or danger to the seal; when confession is made outside the territory of the Superior who reserved the sin (Canon 900).

(b) *Reserved Persons.*—Those who have not special faculties cannot validly hear the confessions of nuns (Canon 876), for the director of consciences of these Religious should be endowed with special virtue, knowledge and prudence. Religious Superiors, novice-masters, and rectors of seminaries or colleges should not act habitually as confessors of their subjects (Canons 518, n. 2, 891), lest the distinction between the internal and the external forum be forgotten. Finally, to prevent abuse of the Sacrament and occasions of relapse, a confessor cannot validly absolve his accomplice in a sin against the Sixth Commandment, consummated or unconsummated, or from the sin of complicity itself, as necessary matter of the Sacrament, if the sin was on both sides external, certain, and both internally and externally grave (Canons 884, 2367).

**2754. Absolution from Reserved Cases.**—(a) In danger of death, any priest can absolve every reserved sin and censure, but, should the penitent recover, there is a duty in certain specified cases of having recourse to the lawful superior (Canons 882, 2252).

(b) In urgent necessity, when absolution cannot be delayed without serious detriment or annoyance to the penitent (*e.g.*, without infamy, inability to make Easter duty, continuance for a day or two in mortal sin), every confessor can absolve from papal cases (and it seems from episcopal cases also), but the penitent must have recourse within a month to the proper Superior under penalty of renewal of the censure (Canon 2254).

(c) Outside of necessity, only those can absolve who have ordinary or delegated faculties. The law itself grants to pastors the power to absolve during the whole of paschal time from all sins which the Ordinary has reserved to himself, and missionaries have the same power during the time they are giving a mission (Canon 899, n. 3). This does not apply to censures nor to cases reserved to the Ordinary by the Apostolic See or by law, such as the excommunication *latæ sententiæ* which Canon 2350 declares against the procurers of abortion.

**2755. Absolution Given by One Not Possessed of Jurisdiction.**—(a) *Effect.*—Absolution of mortal sins given without jurisdiction is invalid; and of venial sins, is unlawful and probably invalid. In some cases, however, the Church supplies jurisdiction, as was said above (**2752**).

(b) *Guilt.*—There is no sin if the absolution is given in good faith, as when a confessor is inculpably ignorant of a reservation. If absolution is given in bad faith and the confessor knows that the Church does not supply, there is a grave sin on account of the irreverence to the Sacrament and the harm to the penitent. If the confessor knows that he lacks jurisdiction, but that the Church supplies on account of common error, it seems that no sin is committed if there is a good reason for giving absolution (*e.g.*, the absence of other priests); but otherwise there is mortal or venial sin according to circumstances.

(c) *Penalty.*—He who with presumption hears confessions without jurisdiction or absolves from a reserved case for which he has no faculties, incurs in the former case *ipso facto* suspension from the power of Orders, and in the latter case *ipso facto* suspension from hearing confessions (Canon 2366).

**2756. Duties of the Confessor before Confession.**—(a) *Fitness to Hear Confessions.*—The confessor should have sufficient knowledge to be able readily to solve the usual cases and to work out or find the solution of the more difficult cases; sufficient prudence to be able to apply his knowledge well and to avoid what is dangerous or suspicious; sufficient goodness to be sincerely desirous of the spiritual advantage of the penitent, and to be patient in hearing him and firm in correcting him.

(b) *Willingness to Hear Confessions.*—The confessor is obliged either from justice or charity (**2676**) to hear the confessions of those who reasonably request it. He should observe the rules of the Ritual and of the Code as to the manner and place of confession (Canons 908–910).

**2757. Duties of the Confessor as Judge in Hearing the Case.**—(a) Since confession should be entire, the confessor is gravely bound to question the penitent, when there is reason to think that the confession is not entire. With pious and well-instructed persons, of course, there is no need of questioning, and, since the duty of integrity rests primarily on the penitent, the confessor's negligence may be regarded as venial when he is burdened by a great multitude of confessions.

(b) Since confession must not be made onerous or harmful to penitents, the confessor is bound to be very discreet in the questions he asks, and to follow the rule that it is far better to say too little than to say too much. He must avoid any word or remark that might teach sin to the young or scandalize the old; he must be very reserved when speaking of matters that pertain to the Sixth Commandment, and, if there is need to question about them, should begin with very general queries. Neither directly nor indirectly may he inquire the name of an accomplice of the penitent (Canon 888); but he is allowed to investigate matters which he has a right to know, even though the accomplice thereby becomes known to him. If the common good requires that a complaint be lodged against the accomplice, the confessor may oblige the penitent to make this complaint to the proper superior; but it is seldom advisable that the confessor agree to perform this duty himself, and then he should require that the penitent speak to him about the affair outside of confession, if this can be done (see **1287**).

(c) Since the penitent acts as the accuser in confession, he should be believed both for and against himself. But should it happen that the confessor knows for certain that his penitent is lying, his procedure will depend on the source of his knowledge. If the knowledge is not of sacramental origin but comes from the confessor's own reliable experience (*e.g.*, because he saw the penitent commit a sin and is sure that the silence about the sin is not due to forgetfulness, ignorance or previous confession of it), he should try to induce the penitent to confess, and, if the latter refuses, should deny absolution. If the confessor is morally certain on account of the word of a third person that the penitent is now concealing a sin, it seems to some authorities that absolution may be either granted or refused, to others that it must be refused. Finally, if the confessor's knowledge comes from a previous sacramental confession or other obligatory secret, he is held to respect the secret; he may not ask any questions which he would not have asked otherwise, and, if the penitent will not confess, he must either grant absolution, as some hold, or dissimulate its denial, as others think.

**2758. Duties of the Confessor-Judge in Deciding about the Case.**—(a) The confessor should pass judgment on the past state of the penitent's soul as declared to him, but defect or mistake here would not make the Sacrament null. The objective malice of the sins (*i.e.*, their theological and moral malice) will be recognized by the priest from his knowledge of theology, and the subjective malice from the declarations or replies of the penitent. At times the confessor will have to rest satisfied with the decision that the sin or its character is uncertain.

(b) The confessor should pass judgment on the present dispositions of the penitent, or the sincerity of his sorrow and resolution; but it suffices that the judgment be probable, and there be no strong suspicion against it. The penitent's devout confession, or his promise of amendment, the trouble he took to make his confession, etc., are indexes of good faith, just as boastful confession, disregard for former promises, and unwillingness or carelessness about coming to confession are signs of bad faith.

**2759. Duties of the Confessor-Judge in Passing Sentence.**—(a) *The Duty of Binding.*—The confessor must impose upon the penitent such duties as are necessitated by the essence of the Sacrament (*e.g.*, there is no true contrition without willingness to make due restitution, reparation, or satisfaction, and to avoid sinful occasions and to struggle against bad habits), or such penalties as are required for its integrity (*i.e.*, the priest must impose a suitable penance). To safeguard morals, the law of the Church gravely obliges a confessor to require his penitent *sub gravi* to denounce another confessor certainly guilty of the crime of solicitation, unless there be a grave reason that excuses the penitent; and, if the penitent refuses, absolution must be denied. On the details of this law and on the penalties for solicitation, refusal to denounce, and false accusation, see Commentaries on Canons 904, 2368 and 2363 of the Code.

(b) *The Duty of Loosing.*—The confessor is bound *sub gravi* to give absolution at once to one who is properly disposed, for there is a tacit contract between the penitent and the confessor that absolution will be granted if the penitent is worthy; the penitent puts himself to considerable trouble to obtain forgiveness, and he is deprived of a great good if absolution is refused (Canon 886). If only free matter is confessed, it is a venial sin now and then to deny absolution without reason, but no sin to deny it for a good reason if the penitent consents.

(c) *The Duty of Retaining.*—The confessor should always refuse absolution to those who are certainly not contrite and in whom he cannot awaken true repentance, for absolution would be of no benefit to such persons and would make the confessor an encourager of sin. Likewise, absolution should be denied those who are incapable (*e.g.,* those who have not as yet committed sin or who confess only imperfections). If there is doubt about the fitness or capacity of the penitent, absolution should generally be delayed; but it may be granted conditionally for a serious reason (*e.g.,* if the penitent is in a state of sin and cannot return to confession for a long time), and it should be granted conditionally for a very serious reason (*e.g.,* if the penitent will probably not return, or if he is confessing in preparation for marriage).

**2760. Penitents to Whom Absolution Should Be Denied.**—There are three classes of penitents especially to whom absolution should be frequently denied on account of their lack of repentance:

(a) those who refuse to abandon a proximate and voluntary occasion of grave sin, for these are impenitent and unworthy of absolution. But absolution may be given those who promise to abandon a proximate and voluntary occasion, or to use the proper means of safety if they are in a proximate and necessary occasion of sin (see **263 sqq.**);

(b) those who have contracted the habit of some grave sin, if they are unwilling to use the proper means to overcome it; but if they seriously promise to use means prescribed by the confessor, they should be considered as well disposed. A sin is habitual when it is committed often—that is, for an external sin about five times a month, and for an internal sin about five times a week; but consideration should be taken also of the character of the person (*i.e.*, a weak-willed person is enslaved by habit more readily than a strong-willed person) and of the vice (*i.e.*, an alluring sin like impurity becomes a habit more quickly than other sins, and once or twice a month suffices for it to be considered habitual);

(c) those backsliders or recidivists who have confessed the same grave sin in three or four previous confessions and have relapsed into it again without any improvement. These persons should be absolved if they are sincere now and give some special indication as proof of sincerity (*e.g.*, tears or some effort made to conquer their habit); otherwise (except in great necessity, when they may be given the benefit of the doubt and be granted conditional absolution) they should not be absolved but should be put off kindly for a short space, since there is no reason to believe that the present sorrow is any better than that of the past.

**2761. The Sacramental Penance.**—(a) *Obligation.*—The confessor is bound to impose a penance in order to provide for the integrity of the Sacrament and the good of the penitent. Exceptions to this rule are the cases when the penitent cannot perform any penance, as when he is at the point of death, and when the penitent after the imposition of a penance and absolution remembers new and necessary matter. It is at least a venial sin to delay the giving of a penance till after the absolution, and it is a grave sin to give no penance at all, unless (as some hold) only a light penance was due.

(b) *Quantity.*—The amount of the penance should be suited as a punishment to the degree of the penitent's guilt, that is, a heavier penance should be given for necessary matter and a lighter penance for free matter. The penance should also take into consideration the moral malice and the frequency of the sins. Works that the Church may order under pain of serious sin suffice for necessary matter (such as a Mass, a fast, five decades of the Rosary, or the Litany of the Saints). Light penances are the De Profundis, the Litany of St. Joseph, five Paters and five Aves. For a sufficient reason (*e.g.*, the sickness of the penitent, the probability that a grave penance will keep him from future confession, the fact that his sorrow is very great or that he has gained a plenary indulgence, the performance of satisfaction for him by the confessor himself) the quantity of a penance may be lessened. A grave penance may be lightened by joining it with some duty already owed (*e.g.*, by requiring the penitent to say the Rosary while hearing Sunday Mass, by obliging him to hear Mass on Sunday and also to say a few prayers after the Mass).

(c) *Quality.*—The character of the penance should make it suitable as a remedy for the spiritual disease of the penitent; that is, as far as possible he should be required to perform works that tend to correct his chief failings. Thus, for those who are uncharitable or avaricious an alms or other work of mercy is a good penance; for those who are given to pleasures of sense, a fast or other corporal austerity; for those who are lax or irreligious, a prayer, a visit to the Blessed Sacrament, a meditation, or frequentation of the Sacraments. Ordinarily it suffices to impose prayers as penances, since prayer is a universal remedy. Penances unsuitable to the penitent (*e.g.*, fasts for one who needs nourishment on account of labors), those that are too difficult (*e.g.*, perpetual or long-continued practices), those that are harmful (*e.g.*, penances that will bring the penitent into suspicion or ridicule), must be avoided.

**2762. The Duties of the Confessor as Spiritual Physician.**—(a) *General Remedies.*—The confessor should give much attention to the study of moral and ascetical works, so as to be able to suggest suitable means to his penitents for overcoming their spiritual infirmities and avoiding future relapses. Thus, if a penitent desires to know or ought to be told how to struggle against anger, drunkenness or impurity, the confessor should know how to advise him and what measures to recommend to him.

(b) *Special Remedies.*—Certain classes of penitents need special attention. Thus, the tempted and afflicted should be told the means of fighting temptation and sadness; the scrupulous should be forbidden to examine their consciences too carefully, or to accuse themselves minutely, or to spend too much time at devotions; the sick and the dying should be encouraged to dispose themselves well and to put aside thoughts of fear and discouragement; pious persons often need assistance when they suffer temptations to tepidity or spiritual desolation. The careless, lazy, malicious, and hardened should be reproved, but sternness should not be unmingled with kindness, lest the penitent be driven away from his duty altogether.

**2763. The Duties of the Confessor as Teacher and Guide.**—(a) *Instruction.*—The confessor should teach children and other ignorant persons if he finds that they do not know truths necessary to be known for a fruitful reception of the Sacrament—that is, the mysteries of faith that must be believed explicitly and the dispositions for receiving absolution (**924**). He should instruct about duties when this will be for the penitent's good—that is, when the penitent falsely believes something to be sinful which is not sinful, or to be gravely sinful that is only lightly sinful, or when the penitent's ignorance of an obligation is gravely culpable, or when he is invincibly ignorant but will be kept from a sin without graver evil if he is instructed now. If an instruction will probably do no good, a confessor should not instruct an invincibly ignorant penitent about his duties, unless silence will be productive of greater evils than instruction. Thus, if the confessor foresees that the penitent will only be put in bad faith if he is told about a duty of restitution, it would be useless and wrong to speak to him about it; but if he should foresee that, if he does not speak, the penitent will do worse things with great injury or scandal to others, it would be necessary to instruct him.

(b) *Direction.*—In spiritual matters a confessor should be willing and able to counsel and advise, for example, about the choice of a state of life (marriage, clerical state, religious life), about voluntary rules or practices (vows, austerities), and about the performance of duties (*e.g.*, training of children). For advice on temporal matters a priest should either direct his penitents to lawyers, physicians or other professional advisers, or, if he can give prudent direction himself (*e.g.*, on artistic, educational, or business questions), he should preferably discuss the matter elsewhere than in the confessional.

**2764. The Duties of the Confessor After Confession.**—(a) *Per se,* or by reason of his office itself, the confessor is held to guard inviolate the secret of the confessional—that is, he may not disclose, or use to the penitent's disadvantage, any information received from sacramental confession. This duty is a grave one imposed by natural law (since there is a quasi-contract that the confessor will treat the penitent's confession as confidential), by divine law (since Christ, in willing that confession be used, implicitly willed that it be so conducted as not to become a thing odious, scandalous and harmful), and by church law (for Canons 889, 890, 1757, 2369 strictly forbid revelations or use of sacramental knowledge and decree severe penalties against transgressors). Since God wipes out from remembrance the sins He has pardoned, the confessor, being God's representative, must treat what he has heard as not known to him. The obligation of the seal is so strict that no one may dispense from it, that neither Probabilism nor epieikeia may be applied to it, and that no exception is allowed unless the penitent himself freely, unmistakably and for a serious reason gives permission for it to the confessor.

(b) *Per accidens,* or by reason of a mistake committed by him (*e.g.,* absolution mistakenly refused or invalidly given, erroneous notion about the gravity of a sin imparted or not corrected, restitution imposed where not due or not imposed where due), a confessor is held to see that the mistake is corrected and that the penitent or a third party is spared or rescued from the harm which will follow from the mistake. The obligation is one of justice in those cases where there is a violation of implicit agreement (*e.g.,* absolution unreasonably withheld), or damage positively and culpably caused (*e.g.,* erroneous advice about the gravity of a sin or about the duty of restitution); it is one of charity in other cases where the confessor can without undue inconvenience assist the spiritual or temporal need of the penitent or of another (*e.g.,* penitent's misunderstanding about his duty of restitution which the confessor failed to clear up). The duty of repairing mistakes is grave when there is grave damage (*e.g.*, invalid absolution of mortal sins) and grave guilt was contracted by the mistake (*e.g.*, if the invalidity was voluntary) or will be contracted by refusal to prevent the consequences of the mistake (*e.g.*, if the invalidity has been discovered, and one knows that the penitent will die unabsolved, if one does not rectify the error). The duty is light if there is light damage (*e.g.*, invalid absolution of free matter, or of necessary matter confessed by a person who will go to the Sacraments soon again), or light culpability (*e.g.*, failure to question about the species or number of sins, or to impose a penance, when the failure is due to distraction or forgetfulness).

**2765. Manner of Repairing Defects Made in Hearing a Confession.**—(a) *The Reparation to be Made.*—If the penitent has been deprived of absolution, he should be absolved; if he has been wrongly instructed, he should be set right; if temporal loss has been caused, temporal restitution should be made.

(b) *The Person to Whom Restitution Should Be Made.*—The injured person should be compensated. Hence if restitution was mistakenly imposed on the penitent and he cannot recover his property, the confessor should reimburse him; if the penitent was mistakenly excused from restitution, payment is due the third party who loses by the advice.

(c) *The Manner of Making Reparation.*—If possible, the reparation should be made in the penitent's next confession, as this is less troublesome to all concerned. But if the confessor has wrongly instructed the penitent in an important matter, he is bound more probably (after obtaining the penitent's permission to speak about confession matter) to retract, even outside of the confessional, if this can be done without scandal or other serious evil, which would be rare.

**2766. Excuses from the Duty of Repairing Mistakes.**—(a) *Physical Impossibility.*—If the confessor does not know who the penitent is or cannot find him, there is nothing to do but to repent over the mistake and to pray for the penitent that God may provide for him.

(b) *Moral Impossibility.*—Grave inconvenience excuses, unless the confessor has been seriously at fault against justice (*e.g.*, by omitting absolution, by giving incorrect instruction in an important matter, by neglecting to warn against an occasion of serious sin, by wrongly advising on restitution of a large sum), or the salvation of a soul is at stake, as when an unabsolved penitent is dying (see **1797 sqq.**)

**2767. The Obligation of the Seal of Confession.**—(a) *Its Subject.*—Primarily the duty of the seal obliges the confessor, secondarily all others to whom the matter of sacramental confession in any way becomes known, such as bystanders, interpreters, or those who have spied into a confession. The penitent on his part is bound to keep as a natural secret the words of the confessor which the latter would rightly wish to be kept confidential (*e.g.*, it would not be fair to excuse oneself in making necessary corrections, by saying that one was acting under advice of one's confessor, especially since the confessor cannot defend himself).

(b) *Its Object.*—Primarily, the seal extends to all sins confessed, whether they be light or grave, private or public; and a confessor may not confirm from his knowledge as confessor what he also knows from other knowledge. Secondarily, it extends to all that is declared for a fuller explanation of the sins, such as circumstances, purpose, occasion, coöperation, and to all those things whose revelation would endanger the seal or make the Sacrament odious, such as the denial of absolution, the penance given, the insincerity, impatience or scrupulosity shown in confessing, the fact that a confession was long or a general review. Other matters not generally known and which the penitent reasonably wishes to be confidential (*e.g.*, the fact that he made his confession, his natural defects of illegitimacy or deafness) should be kept as natural secrets. But there is no duty of sacramental or natural silence about matters which the confessor knows from other sources and which he is free to mention (*e.g.*, facts learned from a non-sacramental confession made to the priest and others with a view to its use, or from the confessor's own perception of a theft committed by the penitent in the act of confession).

**2768. Sins against the Seal of Confession.**—(a) Direct violation happens if a confessor declares, either to the penitent himself or to another, matter protected by the seal, and with such clearness that both the penitent and his sin can be recognized. This occurs even though no names are mentioned, or the penitent is unknown to the listeners, or is no longer living, or when the listeners do not perceive that sacramental knowledge is being used. The sin is grave, and, since the injury to religion and the public is always serious, it admits of no lightness of matter. The penalty is excommunication most specially reserved to the Pope (Canon 2369).

(b) Indirect violation happens if a confessor so speaks or acts as to create a danger of direct violation (*e.g.*, if he speaks so loud in the confessional that those outside can hear, or if he is suspiciously silent when the penitent is being commended, or if he warns the parents of a penitent to be specially watchful of him, or if he refuses to hear a confession because he knows from a previous confession that the person is very scrupulous, or if he shows less confidence or regard for the penitent). The sin admits of lightness of matter, since the danger of direct violation may be remote; but if there is grave culpability, suspension or even severer penalties may be inflicted (Canons 2369, 2368).

(c) Unlawful use of sacramental knowledge happens if there is no direct or indirect violation of the seal, but the confessor's conduct is such as to make confession distasteful either to the penitent or to others, as when a superior is guided in giving his vote or directing his subject by information gathered from confession. This is forbidden in Canon 890.

(d) Apparent violation of the seal happens if there is really no direct or indirect violation of the seal, or unlawful use of confessional knowledge, but a priest's language is calculated to arouse a reasonable suspicion that some such sin is being committed (*e.g.*, if a preacher or retreat master or writer of moral cases uses illustrations from confessions heard by him which will excite distrust in his own or other penitents). Serious scandal and defamation may also be caused by public statements unfavorable to the morals of a certain city or community or class.

**2769. Special Abuses.**—Two abuses to which confession is especially exposed are defamation and impurity, and hence the law of the Church provides special safeguards against these dangers (see **2753, 2757, 2759**).

(a) *Defamation.*—The fame of third parties is protected by the law which forbids the confessor to inquire about the penitent's accomplice, the fame of the penitent by the law of the sacramental seal, and the fame of the confessor by the law which subjects those who bring a false accusation of solicitation against a confessor to excommunication specially reserved to the Pope, to retractation, reparation, and severe penance (Canons 888, n. 2, 889 sqq., 2363).

(b) *Impurity.*—The danger that a confessor will be tempted to solicitation by his knowledge of the frailty of a penitent is provided for by the law which severely commands formal denunciation of those guilty of solicitation (Canon 904); the danger that a penitent may be induced to yield to solicitation by a promise to absolve the sin is met by the law which invalidates absolution of an accomplice (Canon 884).

**2770. Absolutio Complicis.**—Absolutio complicis in peccato turpi invalida est præterquam in mortis periculo (Canon 884).

(a) Objectum legis est peccatum turpe, i.e., quodvis peccatum contra sextum, consummatum vel non consummatum, colloquiis, aspectibus vel factis patratum. Necesse est autem quod peccatum sit utrinque certum (quoad factum et jus), externum, et grave (qua internum et qua externum). Unde non agitur de peccatis contra alias virtutes, neque de peccatis luxuriæ mere internis vel levibus.

(b) Subjectum de quo in lege est complex seu socius immediatus et formalis in ipso actu peccati; et sic non sufficit ad complicitatem cooperatio etiam proxima (**1507**), nec peccatum mere materiale, quale fit ab amente, dormiente, ebrio, infante, renitente. Non requiritur tamen quod compar sit puber vel alius sexus, neque quod confessarius tempore complicitatis jam inter clericos adscriptus sit.

**2771. Effectus Legis de Absolutione Complicis.**—(a) *Quoad Absolutionem.*—Invalida et illicita est absolutio directa peccati nondum remissi si extra periculum mortis datur. Est valida sed illicita: absolutio directa peccati nondum remissi, in periculo mortis data, quando alius sacerdos confessionem recipere potest; necnon absolutio indirecta peccati nondum remissi, extra periculum mortis data, quando pœnitens bona fide peccatum reticet. Est valida et licita absolutio directa peccati nondum remissi, in periculo mortis vel in gravissima necessitate (utputa urgente præcepto ecclesiastico et divino confessionis et communionis annuæ) data, quando alius sacerdos aut nullimode aut nonnisi cum gravi incommodo (scil. infamiæ, scandali, periculi confessionis sacrilegæ) haberi potest; necnon absolutio directa peccati jam remissi, etiam extra hoc periculum et hanc necessitatem facta. Non una tamen est sententia auctorum in interpretandis dubiis hujus legis, nec omnes conveniunt cum placitis hic positis, nam de dubiis alii strictius, alii mitius judicant.

(b) *Quoad Censuram.*—Excommunicatio specialissime reservata S. Sedi ipso facto incurritur a confessario qui illicite absolvit vel fingit absolvere, sive directe, sive (quando pœnitens ad tacendum inductus est a confessario ipso) indirecte. Censura non incurritur igitur si confessio tantum auditur, si pœnitens propria sponte peccatum reticet, si sacerdos dubitat num pœnitens complex sit (Canon 2367).

**2772.** Sacerdos reus delicti sollicitationis in confessione intra mensem denuntiandus est a pœnitente loci Ordinario vel S.C.S. Officii (Canon 904).

(a) Delictum sollicitationis est provocatío, etiam inefficax, pœnitentis cujuscumque ut actum quemcumque gravem contra castitatem committat. Provocatio fit vel per verba (e.g., declarationes amoris, invitationes, laudes), per facta (e.g., dona), per sermones (e.g., colloquia de turpibus a pœnitente confessis), per tractatus (scil. colloquia de re turpi agenda), per consensum internum-externum sollicitationi pœnitentis datum.

(b) Delictum sollicitationis est provocatio quæ ordinem habet ad confessionem, i.e., quæ fit tempore factæ confessionis (i.e., inter, immediate ante, immediate post confessionem), vel tempore confessionis faciendæ (*i.e.*, occasione confessionis petitæ a pœnitente, prætextu confessionis falso allegatæ a confessario, in loco confessionis cum confessionis simulatione).

**2773.** Confessarius debet, graviter onerata ejus conscientia, de onere denuntiationis pœnitentem monere.

(a) Obligatio confessarii gravis est. Sed antequam moneat, serio consideret utrum pœnitens persona fide digna sit, utrum certo constet de facto, de turpitudine, de gravitate, de ordine ad confessionem, utrum detur causa excusans (e.g., mors sollicitantis; probabiliter, ejus plena emendatio per plures annos manifestata; grave damnum pœnitentis quoad vitam, famam, fortunam, nisi gravius damnum simul immineat bono communi). Si de delicto sollicitationis et de obligatione pœnitentis nullum dubium est, confessarius moneat, etiamsi pœnitens in bona fide sit et prævideatur certo non obtemperaturus, mortis periculo autem excepto. Si pœnitens irrationabiliter renuat denuntiare, absolvi non potest, sed confessarius de casu consulere debet Ordinarium.

(b) Obligatio pœnitentis etiam gravis est. Denuntiatio facienda est intra mensem a cognita obligatione, Ordinario sollicitantis, vel loci delicti, vel pœnitentis, personaliter et judicialiter. Pœnitens qui nec comparere nec scribere potest, interea excusatur; sed ille qui justa causa exemptionis carens scienter omittit denuntiare intra terminum unius mensis incurrit in excommunicationem latæ sententiæ nemini reservatum, non absolvendus nisi postquam obligationi satisfecerit aut se satisfacturum serio promiserit (Canon 2368, n. 2). Confessarius non tenetur in se suscipere onus denuntiationis, nisi secus gravissimum damnum bono publico inferretur.

**2774. The Sacrament of Extreme Unction.**—As Confirmation perfects Baptism by bringing to maturity the new life of grace, so Extreme Unction perfects Penance by strengthening against the spiritual debility that remains after sin itself has been wiped away. Confirmation makes ready for the battle of life, Extreme Unction assists during the struggle of death. The fifth Sacrament is defined: "A Sacrament of the New Law

in which through the anointing with oil and the prayer of the priest adult persons who are in danger of death receive health of soul, and also at times health of body."

(a) The remote matter or element of the Sacrament is oil (James, v. 14, 15). For validity it is required that this be olive oil, blessed by a bishop or by a priest having special papal delegation, with the special blessing for the oil of the sick (O. I.); for lawfulness, *sub gravi* that it be oil blessed the previous Holy Thursday (Canon 734), *sub levi* at least that it be blessed by the bishop of the diocese, or, in case of vacancy, by the neighboring bishop. In necessity the old oils may be lawfully used, while chrism and the oil of the catechumens may be used as doubtful matter. Unblessed oils and oils blessed by an unauthorized priest do not suffice for validity.

(b) The proximate matter is the anointing of the sick man with blessed oil. In urgent necessity it suffices to anoint one sense, or rather the forehead; in other cases the various senses should be anointed in the order given in the Ritual. Each anointing of a double sense should begin with the right organ (*e.g.*, the right eye) and should be given with the right thumb in the form of a cross. If one organ is missing (*e.g.*, a hand amputated), the anointing should be made, if possible, near to its place (*e.g.*, on the wrist); if there is danger of contagion, the anointing may be made by means of an instrument, such as a brush or small stick. The anointing of the reins should always be omitted and the anointing of the feet may be omitted for any good reason, such as inconvenience to the dying person.

(c) The form of the Sacrament is the prayer used by the priest. In the Latin Church the ordinary form is contained in the words: "Per istam sanctam unctionem, etc. By this holy anointing and His most tender mercy may the Lord forgive thee whatever sin thou hast committed by sight (by hearing, by smell, by taste and speech, by touch, by thy steps). Amen." The extraordinary rite for use when there is not time to give all the anointings is bestowed on the forehead in the words: "Per istam sanctam unctionem et suam piissimam misericordiam indulgeat tibi Dominus quidquid deliquisti. Amen." The essential words of the form are: "Per istam unctionem indulgeat tibi Dominus quidquid deliquisti," because they express the intercession and the effect of the rite. It would probably be a grave sin to omit the reference to the senses in the ordinary form, as that seems to be a notable part of the form; but it would be a light sin, apart from contempt or scandal, to omit an unimportant word such as "Amen." If there is doubt about the recipient's capacity (*i.e.*, whether he has reached the use of reason, whether he is in danger of death, whether he is already dead, whether he is impenitent and unwilling to receive the Sacrament), the form should be conditional. The condition should be "si es capax," not "si es dispositus," even in the last-mentioned case. For the Sacrament is given validly even to one who is not well disposed (*i.e.*, who lacks repentance) and there is thus the possibility, when validity is not made dependent on the condition of good disposition, that sacramental fruitfulness will follow later when impenitence, the obstacle to the Sacrament's activity, shall have been removed.

(d) The recipient of the Sacrament is a Catholic who after attaining the use of reason has come into the danger of death through sickness or old age. No one is capable of receiving this Sacrament unless he is baptized, for Baptism is the gateway of the Sacraments (**2671**); unless he has reached the use of reason, for the Sacrament is a remedy against personal sin and supposes that the recipient can or formerly could distinguish between right and wrong; unless he is in danger of death through the infirmity of disease or of decrepitude, for St. James teaches that the anointing is for those who are enfeebled by illness dangerous unto death. Hence Extreme Unction cannot be administered validly to the unbaptized, to young children who have not come to the use of reason, to the perpetually insane, to those who are sick but not in danger of death, to those who are in danger of death but not sick (*e.g.*, a strong man going to the gallows or to battle). But the Sacrament may be administered to children who have not yet made their first confession, if they are capable of sin, and to the insane who once had the use of reason. The danger of death need not be immediate, and hence Extreme Unction may be given when the disease is mortal but the patient will last for several months or even a year, as in tuberculosis. Illness includes not only chronic sickness, but also fatal disorders caused by wounds, accidents, poison. The rule about the old is that those who have reached sixty years and show some signs of approaching death, such as great feebleness or fainting spells, even though they have no special malady, may be anointed; for their old age itself is a disease.

(e) The minister of Extreme Unction is the priest, since St. James directs that the presbyters (*i.e.*, the priests) of the Church be called to anoint the sick. Extreme Unction, unlike Penance, is not exercised in the form of a judicial process, and hence the power of Orders suffices for its valid administration, and any priest, even one who lacks jurisdiction, gives it validly. But for lawful administration church law prescribes that the minister regularly be the ecclesiastical superior or spiritual director (*i.e.*, the pastor for his parish, the head of a clerical religious institute for his house, the parish-priest or chaplain for a lay religious body, the confessor for nuns), and that the minister extraordinarily (*i.e.*, in necessity) be any other priest who has permission, or reasonably presumed permission.

(f) The effects of Extreme Unction are *per se* an increase of sanctifying grace, since this is a Sacrament of the Living; *per accidens* (*i.e.*, when the recipient is not in the state of grace, but is in good faith and has attrition) the forgiveness of sins and first grace. Extreme Unction produces first grace more surely than does absolution, if the penitent is unconscious, since it does not call for any external manifestation of contrition; hence the importance of anointing those who are dying but unconscious. The special benefit of Extreme Unction is immediate preparation of the soul for entrance to heaven, though restoration of the health of the body is sometimes vouchsafed when this is for the spiritual good of the sick person. Venial sins and the remains of past sins (*i.e.*, the debility left by them) are removed and the soul is strengthened with confidence as to things past and future and with peace and resignation as to present suffering. Since the Sacrament is given for the period of danger of death, it cannot be repeated during the same danger; but should the patient recover and relapse into a distinct danger through the same or another sickness, there arises a new need and the Sacrament may then be repeated.

**2775. Special Duties.**—In addition to the duties that are common in all the Sacraments, the following duties should be noted in referenece to Extreme Unction.

(a) *The Recipient.—Per se,* Extreme Unction is not necessary as a means to salvation, for sanctifying grace may be had or recovered without it; but *per accidens* it would be necessary as a means, if a dying person were in mortal sin and could not recover grace except through it. He who omits Extreme Unction unwillingly or for a good reason (*e.g.,* because he is well prepared for death and cannot get a priest without very grave inconvenience) does not sin. He who omits the Sacrament voluntarily and without good reason, is guilty of grave sin if he acts from contempt, or gives scandal, or exposes himself to eternal damnation; but if there is no contempt, scandal or danger to salvation, sin is indeed committed by the neglect at such a crisis of so important a spiritual aid, but only venial sin, since there is no grave precept to receive this Sacrament. The recipient of Extreme Unction should be in the state of grace; and hence, if he has mortal sin on his conscience, he must beforehand make an act of contrition or receive absolution with attrition, or, if neither is possible, he must make an act of attrition. The custom of the Church calls for confession before Extreme Unction, and divine law commands confession if one is in mortal sin and in danger of death.

(b) *The Minister.*—The pastor is gravely bound in justice to give or have given the Sacrament of Extreme Unction to all his subjects who reasonably request it; other priests not charged with the spiritual care of the dying person are held in charity to anoint him, if he has not received the last rites and cannot otherwise be anointed. It is clear that sick calls should be attended to promptly, and it would be a serious matter to delay so long as to put the sick person in danger of dying without

Extreme Unction or of receiving it when he had become unconscious and could not dispose himself properly. If the person has been pronounced dead before the priest's arrival, he should nevertheless be absolved and anointed conditionally if the last breath was not long before; because physicians teach that death takes possession gradually, life lingering in the body for some time after its external signs have ceased, for about a half hour when the end has come after long illness, for one or two hours when death is sudden or accidental. The ceremonies are obligatory under pain of sin, and it is considered a serious matter to neglect the more notable parts, that is, without reason to omit all or nearly all the prayers, or to give the Sacrament without any sacred vestment.

(c) *The Pastor.*—The oil of the sick should be kept in a neat and properly decorated place, and should be contained in a vessel of silver or white metal. Only in exceptional cases is it lawful to keep it in the rectory (Canon 946). *The Catechism of the Council of Trent* (page 307) declares that Extreme Unction should form a subject of frequent instruction. It is important to exhort the people not to delay in sending for the priest till the sick person has become insensible, nor to omit to send for him in case of sudden death, since, as already said, life remains for some time in the body after apparent death.

(d) *The People.*—All those who are responsible for the good of the dying person, such as members of the family, physicians, nurses, relatives, friends, or neighbors, should beware of deceiving him about his condition and his need of preparation for death; on the contrary, they should see to it as far as they can, that he receives the last Sacraments in good time and while he has the full use of his senses, when the spiritual benefit and the comfort of mind will be of greater assistance and the bodily cure more likely.

### Art. 4: HOLY ORDERS; MATRIMONY

(*Summa Theologica,* Supplement, qq. 34–68.)

**2776.** The first five Sacraments are necessary for the spiritual welfare of individuals, the remaining two, which are the subject of this Article, are needful, not for each person, but for the Church as a body. A member of the Church may save his soul though he remains outside the priesthood and the married state, but the spiritual good of the Church itself requires both Orders and Matrimony. Without Orders the Church would be deprived of her rulers, teachers and ministers of divine things; without Matrimony the family would lack that sacramental protection which is so important for the Christian home and the right rearing of members of society.

**2777. The Sacrament of Orders.**—The spiritual office and power of a member of the clergy is called Orders on account of the order or rank of superiority which it gives in the Church. The rite or Sacrament by which an Order is conferred is strictly called Ordination, and hence it is more correct to speak of the Sacrament of Ordination than of the Sacrament of Orders. Ordination may be defined as "a Sacrament of the New Law in which a member of the clergy receives spiritual power in reference to the Eucharist and the grace to exercise properly the duties of his office."

(a) Orders is conferred only on *a member of the clergy.* Just as Baptism is preceded by catechumenate and Matrimony by espousals or engagement, so is Ordination preceded by tonsure, a ceremony instituted by the Church whereby a man is separated from the laity and enrolled among clerics with a view to prepare him for Holy Orders. The candidate for tonsure must be a male who has received Baptism and Confirmation (*sub levi*), and who has begun his course of theology; he sins if he approaches without a divine vocation or with the purpose not to go on for the priesthood. The privileges of clerics are those of forum and canon, and they are capable of receiving Orders, jurisdiction and benefice (Canons 108 sqq). In the reception of tonsure the cleric is admonished to make his life agree with the garb which he then assumes, or, in other words, to cultivate the special virtues of his state (see **2596 sqq.**).

(b) Ordination confers *spiritual power* in reference to the Eucharist, the Sacrament of Sacraments. Just as the sacred vessels of the altar receive a permanent consecration, so likewise the ministers of the altar are set apart by Ordination, which confers upon them an indelible character with the power to exercise higher or lower offices in reference to the supreme Sacrament and the sole Sacrifice of the New Law. Hence, an Order once conferred is eternal and the Ordination cannot be repeated.

(c) Ordination confers *grace,* which is *per se* second grace, or an increase of holiness. The special feature of the grace of Orders is its suitability for the duties of the person ordained, for, where God imposes a special obligation, He confers also a special grace. It is clear that the duties of the ordained in reference to the real Body of Christ (*i.e.,* duties as to the Eucharist and divine worship) and the mystical Body of Christ (*i.e.,* duties to the faithful who receive the Eucharist and the other Sacraments) call for a high degree of virtue and a life edifying to all. Hence the need of a special grace in Ordination.

**2778. Distinction of the Orders.**—The following distinctions of the orders or ranks of the clergy should be noted:

(a) an Order is either sacramental or non-sacramental, according as it was instituted by Christ Himself or by the Church. It is the teaching of St. Thomas that all of the Orders are sacramental in character, but there is not the same degree of certainty in each case. As to the priesthood, there is the certainty of defined dogma; as to the diaconate (and also episcopal consecration according to many) there is theological certainty, but no definition of faith; as to the subdiaconate, and the lower Orders, there is probability;

(b) an Order is Major (sacred) or Minor (non-sacred) according as its functions are concerned with consecrated or non-consecrated matter in the celebration of the Eucharist. The Major Orders, therefore, are the priesthood (whose office is to consecrate the Body and Blood of Christ), diaconate (whose office is to dispense Communion to the faithful), and subdiaconate (whose office is to prepare the bread and wine of the sacrifice in the consecrated vessels, that is, the chalice and paten). The Minor Orders are those that prepare the matter of the Eucharist in non-consecrated vessels (acolythate), or that dispose the people for the Eucharist by freeing them from the impediments of demonic influence (exorcistate) or of ignorance (lectorate), or that exclude unbelievers from participation in the sacred rites (portership). To the Sacred Orders, on account of their closer approach to the Eucharist, are annexed the duties of celibacy and of the Divine Office.

2779. **The Hierarchy of Orders and Jurisdiction.**—The Orders of the clergy may be considered, not only in reference to power over the real Body of Christ (*i.e.,* the Eucharist), but also in reference to power over the mystical Body of Christ (*i.e.,* the Church). Those who have power over the members of the Church belong to the hierarchy, and this is understood in two senses:

(a) the hierarchy of Orders is composed of those who receive in Ordination a permanent superiority over others in reference to the worship of God and the sanctification of souls by the ministry of the Sacraments. From divine institution this hierarchy is composed of the three ranks of bishops, priests, and deacons; and from ecclesiastical institution of the lower clergy in Orders. Thus, the deacon is able to baptize and administer Communion as extraordinary minister; the priest is the ordinary minister of Baptism and the Eucharist, and only a priest can act as minister of Penance and Extreme Unction; the bishop is the minister, not only of the Sacraments mentioned, but also of Confirmation and Orders;

(b) the hierarchy of jurisdiction is composed of those members of the Church who receive in their accepted election or canonical commission a power over the faithful which can be lost or resigned, and which relates to the instruction and government of subjects in matters of faith and morals. From divine law this hierarchy is composed of the Supreme Pontificate and the subordinate Episcopate; from ecclesiastical law there are other ranks of authority, such as those of parish-priest, prelate, abbot, archbishop, primate, patriarch and cardinal.

**2780. The Matter and Form of the Various Orders in the Latin Church.**—(a) In the Minor Orders the matter consists in the bestowal of the symbols of office, and the form in the words of ordination that accompany this bestowal. The porter is ordained when he touches with his right hand the keys of the church which the bishop presents to him with the words: "Conduct yourself as one who must give an accounting for the things that are under those keys"; the reader, when he touches the lectionary (*i.e.*, Missal, Breviary, Bible) offered him by the bishop with the form: "Receive this book and announce well the word of God, knowing that, if you perform your office faithfully and usefully, you shall receive a portion with those who from the beginning have been good ministers of God's word"; the exorcist, when he touches the book of exorcisms (*e.g.*, the Ritual, Pontifical or Missal) presented to him with the words: "Receive and commit to memory and have power to impose hands on the possessed, whether baptized or catechumens"; the acolyte, when he touches the symbols of his office (*i.e.*, first the candle and candlestick, next the empty cruet), while the words are said: "Receive this candlestick and candle and know that you are deputed to light the lamps of the church, in the name of the Lord"; "Receive this cruet to furnish the wine and water for the Eucharist of the blood of Christ, in the name of the Lord." "Amen" should be added by the acolyte after each form.

(b) In the subdiaconate, ordination is given when the candidate touches the empty chalice and the paten (the Bishop saying: "See what a ministry is committed to you; I admonish you, therefore, so to conduct yourselves that you may be pleasing to God") and the Book of Epistles, such as Missal or Bible (the Bishop saying: "Receive the Book of Epistles and have power to read them in the holy Church of God, both for the living and for the dead. In the name of the Father, and of the Son, and of the Holy Ghost'').

(c) In the diaconate, ordination is given by the imposition of the hands of the bishop with the words: ''Receive the Holy Ghost for strength and for resistance to the devil and his temptations.'' The giving and touching of the Book of the Gospels, such as the Missal or Bible (with the words: ''Receive the power to read the Gospel in the Church of God, for both the living and the dead, in the name of the Lord''), is according to some an essential, but according to others only an integral part of the ordination.

(d) In the presbyterate the essential part of the ordination consists in the initial imposition of hands at the beginning of the Mass, which seems to include the silent laying on of hands by the bishop and all the priests who are present and their extension of hands which immediately follows with the bishop's prayer, ''Oremus, fratres carissimi,'' asking God to bestow upon the candidate heavenly gifts and the grace of the priesthood. But it is safer, and perhaps also sounder, to regard other parts of the ordination service as also essential. Thus, St. Thomas says that grace is given by the imposition of hands and priestly power or the character during the bestowal of the instruments; and others, distinguishing between the priestly power over the real Body of Christ and that over His mystical Body, hold that the character with the power to offer sacrifice is imprinted at the bestowal of the instruments, and is extended so as to include the power to forgive sins at the final imposition of hands towards the close of the Mass. The instruments which are touched by the candidate are a chalice, containing wine and a few drops of water, and a paten with host; and the form that accompanies them are the words: ''Receive the power to offer sacrifice to God and to celebrate Masses both for the living and for the dead in the name of the Lord.'' The form used at the final imposition of hands is: ''Receive the Holy Ghost: whose sins you shall forgive they are forgiven them, whose sins you shall retain they are retained.''

(e) In episcopal consecration the matter is the imposition of hands with the accompanying prayer as its form. The imposition of the Book of Gospels on the neck and shoulders of the candidate with the words, "Accipe Spiritum Sanctum," are probably not necessary for validity. The consecration of a bishop is perhaps not sacramental, since the episcopacy seems to be not a distinct Order, but a higher degree or completion of the Order of the priesthood. Thus, the supreme Order of priesthood includes the simple priests or presbyters and the high priests or bishops. The episcopacy confers no new power in reference to the Eucharist, but it extends the character of the priesthood to new powers in reference to Christ's mystical Body, the Church.

**2781. The Minister of Ordination.**—(a) For validity it is necessary that the minister be a consecrated bishop; but the Orders of ecclesiastical institution (*i.e.,* subdiaconate and Minor Orders) may be given by a priest authorized by law, or by special indult of the Apostolic See. Thus, Cardinals, Vicars and Prefects Apostolic, and Abbots have the power of conferring tonsure and Minor Orders from Canon 239.

(b) For lawfulness it is necessary that the consecrator of a bishop be the Pope or a bishop designated by him; that the ordainer to other ranks of the clergy be the proper bishop of the candidate (*i.e.,* the bishop of his place of origin and residence or of his place of domicile), or a delegated bishop (*i.e.,* the bishop who has received dimissorial letters from the proper bishop or religious superior). See Canons 951–967.

**2782. The Special Duties of the Minister.**—(a) As to the ordinandus, the ordaining prelate must be morally certain from positive arguments that the candidate is suitable according to the Canons; otherwise he would be guilty of a very grievous sin and would expose himself to the danger of sharing in the sins of others (I Tim., v. 22; Canon 973, n. 3).

(b) As to the ordination, the minister is bound to observe the law on time and place, and to follow carefully and exactly the ceremonies of his own Rite. If anything essential is omitted, it has to be supplied, absolutely or conditionally, according as there is certain or only doubtful lack. The omission of an accidental but notable ceremony (*e.g.*, the anointing of hands) would be seriously culpable (Canons 1002–1009).

**2783. The Recipient of Orders.**—(a) For validity it is necessary that the recipient be of the male sex, for the divine law has reserved sacerdotal and ministerial functions to men, and the church law has properly followed this example in regard to the Orders that are of church institution; the recipient must be baptized, for without Baptism one has no capacity for other Sacraments; if he is an adult, he must have at least an habitual intention freely formed of receiving the Order to which he is raised.

(b) For lawfulness it is not sufficient that the recipient be in the state of grace, since Ordination is not merely a personal matter, but also a matter of great consequence to the whole Church. The recipient of Orders takes his place among the representatives and ministers of the Church, and therefore he should have the special qualities that fit him for his dignity and office. Intellectually, the ordinandus must be competent in theological and profane knowledge, and must have made a satisfactory course of studies (Canons 972, 1364 sqq., 589–591). According to the Code, first tonsure should not be given before the study of theology has begun, Minor Orders may be given during the first and second years of theology, subdeaconship only towards the end of the third year, deaconship only after the beginning of the fourth year, and priesthood only after the first half of the fourth year (Canon 976). Morally, the ordinandus should be of commendable life and have the internal and external excellence which is supposed by the Order he is to receive. Virtues to which the Pontifical especially exhorts clerics at their ordination are love and labor given to the Church and the things of God's house (porter), devotion to the Scriptures and sacred study (lector), conquest of passion (exorcist), the light of good example and the self-sacrifice of good works (acolyte), temperance, vigilance, prayerfulness (subdeacon), liberality to the poor, chastity, fortitude, zeal for preaching the word of God (deacon), elderliness in dignity, leadership in virtue, and justice in stewardship (priesthood). No one should be admitted to a Sacred Order who is unable to overcome a serious habit of sin (especially *in materia turpi*), even though secret; and if there is doubt about amendment, a test during a suitable period of time should be made.

**2784. Canonical Requirements for Ordination.**—(a) Positive requirements are: proper age (that is, the twenty-first, twenty-second, and twenty-fourth years completed are necessary for subdeaconship, deaconship, priesthood, respectively); Confirmation should have been received before Ordination, for it is suitable that those who are to strengthen others in the faith should have the character of soldier of Christ; promotion from Order to Order should be from lower to higher in proper succession, that fitness may be shown in lesser offices before the greater are received; an interval must elapse between certain Orders, which will give to clerics the opportunity to exercise the powers they have received (*e.g.*, between acolythate and subdiaconate a year, between subdiaconate and diaconate three months); the candidate for sacred ordination must have a title or some canonical means of support (*i.e.*, for secular clergy the title of benefice, or patrimony or ministerial service; for religious the title of profession, common life, etc.). The law allows certain dispensations from some of these requirements (Canons 974 sqq.).

(b) Negative requirements are freedom from certain disabilities introduced by the Church for the sake of the honor and dignity of the sacred ministry. Some of these disqualifications are of their nature permanent, and they are removed only by dispensation or by disposition of the law (*e.g.*, in certain cases by cessation of the cause, or by baptism, or by religious profession), and these are known as *irregularities;* other disqualifications, which are of their nature temporary and cease with lapse of time or changes in circumstances, are known as *simple impediments*. The effect of disqualification is to make it unlawful to receive an Order, or to exercise an Order already received. Irregularities are produced either by deficiency or by delinquency, but the cause in either case must be certain; and, in case of delinquency, it must be a personal sin committed after Baptism, which is mortal, external, and consummated in act. The *irregularities from defect* are: illegitimate birth; mental imperfection (such as epilepsy, insanity, possession); bodily imperfection that makes one unsuited for the service of the altar, on account of mutilation (*e.g.,* those who have lost hand or foot, or thumb or index finger), or of unsoundness (*e.g.,* the blind, the deaf, the dumb, cripples, paralytics), or of very noticeable deformity that excites ridicule or horror (*e.g.,* dwarfs, giants, noseless persons, those who are hunchbacked); successive bigamy, that is, the fact that one has been twice validly married, for St. Paul ruled that a cleric should be a man of not more than one wife (I Tim., iii. 2, 12; Tit., i. 5, 6); infamy of law, that is, the commission of certain crimes which the law declares infamous *ipso facto* or after sentence (such as profanation of the Eucharist or of graves, violence done to the Pope or a Cardinal, duelling, simultaneous bigamy, and certain sexual sins); participation in capital punishment by pronouncing (*i.e.,* as judge or juryman) or executing the sentence of death. The *irregularities from delinquency* are: apostasy, heresy, schism; reception of Baptism from a non-Catholic; attempt at adulterous or sacrilegious marriage; voluntary homicide, coöperation in an abortion; mutilation of self or of another, attempt to commit suicide; unlawful exercise of medicine or surgery by a cleric with fatal results; unlawful exercise of the powers of Major Orders by a cleric or layman. The *simple impediments* are found in the following: in those who may be weak in faith, namely, persons whose parents are non-Catholics, or who are themselves converts (I Tim., iii. 6); in those who are prevented by other occupations, namely, persons held by marriage, business forbidden to clerics, slavery, military service (II Tim., ii. 4); in those who are actually in bad repute before the community on account of misconduct (I Tim., iii. 7). See Canons 983–991.

**2785. Duties of Ordinandi According to Canon Law.**—(a) *Before Ordination.*—Application to the bishop must be made beforehand at an opportune time, and testimonials of Baptism, Confirmation, Orders already received, certificates of good character and studies, and letters from superiors testifying to freedom from impediments and general fitness must be presented. The candidate must undergo a special examination and make a spiritual retreat before the day of his ordination. The profession of faith is made before subdeaconship.

(b) *During Ordination.*—All the ceremonies should be observed, and especially the physical touching of the instruments (chalice and paten, etc.), which seems to be essential. The law requires that the recipients of Major Orders receive Communion, and the obligation seems to be grave for the new priests, since they celebrate with the bishop.

(c) *After Ordination.*—The nocturn (three Psalms and their antiphons) which the ordaining prelate imposes on the newly ordained subdeacons and deacons should be taken from the first nocturn of the day, whether it be feria, feast or Sunday, unless the bishop appoints otherwise. The three Masses of the Holy Ghost, Blessed Virgin, and for the dead, imposed on the newly ordained priests, need not be applied for the bishop's intention, and a stipend may be taken when they are said; but it is fitting that they be applied in thanksgiving and for the benefit of the bishop as well as of the whole Church on earth and in Purgatory. These prayers and Masses do not seem to oblige under sin, though some hold them to bind *sub gravi.* On the life duties of the clergy, see above (**2596 sqq.**).

**2786. Registration of Ordinations.**—As in the case of marriage, ordinations should be registered in a special book and notice of them (if subdiaconate was received) should be sent to the pastor of the parish of Baptism. A certificate of ordination is also to be given to the cleric ordained (Canons 1010, 1011).

**2787. The Sacrament of Matrimony.**—Marriage in general is defined as "the conjugal union of man and woman, contracted between two qualified persons, which obliges them to one another for life."

(a) The word *union* may be taken actively for the passing act of internal and external consent, and then it refers to marriage in its state of becoming, as it is a contract and (among

Christians) a Sacrament; or it may be taken, as it were passively, for the bond that results from the mutual consent pledged by the parties, and then it refers to marriage as a permanent state of life.

(b) The marriage union is *conjugal;* that is, its end is the procreation and rearing of children, or the making of a family, and it therefore gives the right to the natural acts of generation. A contract which has other ends (*e.g.*, a business agreement of labor or of partnership), or which excludes procreation (*e.g.*, an agreement of onanistic concubinage), is not a marriage.

(c) Marriage is *between qualified persons,* for certain individuals are excluded by natural, divine or human law from making a valid contract of marriage.

(d) Marriage is *between two,* one man and one woman. This unity of marriage is its first property, resulting from its nature as a relationship intended primarily for the propagation of the race and its proper upbringing, and secondarily for the peace and contentment of the married couple, their mutual assistance to one another, and their protection against carnal temptations (**299**). For polyandry is opposed to both these ends, and therefore to natural law, while polygamy does not accord well with the secondary ends of matrimony and is forbidden for all by the law of Christ (''They shall be two in one flesh,'' Matt., xix. 3 sqq.). On the permission of polygamy in the later Old Testament ages, see **303, 311.**

(e) Marriage *obliges the parties to one another for life.* This indissolubility of marriage is its second property, and also follows from the natural ends of marriage. For the right propagation of the human race is a matter that concerns not merely the married couple or human society, but also God Himself, who is matrimony's immediate author and lawgiver, and God has decreed that marriage be unbreakable except in the few instances allowed by Himself: ''What God hath joined together let no man put asunder'' (Matt., xix. 6). Since the good of marriage is inferior to the good of faith, the divine law permits a dissolution of the bond in the case known as the Pauline Privilege (I Cor., vii. 12–15); similarly, in a very few instances where there is a serious good more important than the preservation of the bond (the faith of a convert from infidelity, the observance of the counsel of chastity, the public welfare), and where the bond itself has not the strength of sacramentality (*i.e.,* in a non-Christian marriage), or has not been consummated in a Christian marriage, the divine law authorizes the Church, the representative of God, to decree a dissolution (see **363, 314**). Not only are these cases few, but the conditions are strict (see Canons 1120–1127), and hence these exceptions are no menace to the ends of marriage. But once consummation has been added to consent in a Christian marriage, thereby perfecting the natural contract and extending the sacramental signification from the mystical and severable union of Christ with the soul by grace to the physical and perpetual union of Christ with the Church by the Incarnation, the indissolubility becomes complete and admits of no exception. The bill of divorce under the Mosaic Law seems to have been a true and complete dissolution of the marriage tie, but there is good reason to think that it was a toleration of the Jewish civil code, not a permission given by God. The valid marriages of infidels as such are not subject to the judgment of the Church; and the civil authority has no power to dissolve them (even when they are childless), otherwise individuals and the family and the State will suffer, as experience proves.

**2788. Distinctions.**—(a) In reference to validity, marriage may be *true* (*i.e.,* validly contracted), or *presumed* (*i.e.,* taken by the law to be validly contracted on account of some fact, as when the validity of a marriage was not attacked during the lifetime of the parties), *putative* (*i.e.,* really invalid, but contracted in good faith by at least one of the spouses and not yet known by both to be certainly null), *attempted* (*i.e.,* contracted invalidly in bad faith, at least one of the parties being aware of an invalidating impediment).

(b) In reference to perfection, marriage is *legitimate* (when it is validly contracted between non-baptized persons), *ratified* or sacramental (when it is celebrated between baptized persons), *consummated* (when the consent given in the contract is subsequently completed by the conjugal act). It seems that marriage lawfully contracted between a baptized and a non-baptized person is not ratified or sacramental, for, as the consent must be mutual, so should the Sacrament be mutual. But a marriage free from substantial defects is always a Sacrament, even though the contractants do not wish this, when it is contracted between Christians, whether they be Catholics or non-Catholics; and a marriage contracted between non-Christians becomes a Sacrament on the Baptism of the parties.

(c) In reference to its manner, marriage may be *clandestine* (*i.e.,* not celebrated before the pastor and two witnesses), or *secret* (*i.e.,* celebrated before the pastor and two witnesses pledged to secrecy, and without the publicity the Church ordinarily requires), *public* (*i.e.,* celebrated before pastor and witnesses and with publicity such as announcement to the people and registration in the usual marriage book). The secret marriage is also known as a marriage of conscience (Canons 1104–1107).

(d) In reference to the law under which it is performed, marriage is either *canonical* or *civil.* A purely civil marriage between Catholics is invalid, as far as the bond is concerned, since their contract, as being a Sacrament, is subject to the Church. But the civil marriage, as far as the purely civil consequences are concerned, is a lawful ceremony, and is obligatory if required by law. A *morganatic* marriage is made between two persons of unequal condition (*e.g.,* between a king and a plebeian woman) on condition that the inferior spouse and progeny shall not share entirely in the titles and property of the superior spouse.

**2789. The Elements of the Contract of Marriage.**—(a) The subject-matter of the contract is the conjugal right or the lawful power of exercising with the other party acts suitable for generation.

(b) The ends of the contract are, primarily, the good of the race and of the children, and secondarily the good of the couple through mutual assistance and protection in spiritual and temporal matters. To these general ends may be added others which a particular person has in view, such as dignity, wealth, honor, lawful pleasure.

(c) The essence of the contract is the consent, for every pact consists in mutual agreement. But if marriage be regarded as a permanent state, its essence is the bond of union, and consent is the efficient cause productive of the bond. Marriage consent must have the qualities (internal, external, mutual, free) that are necessary in every contract, as explained in **1883**.

**2790. Requirements for Valid Marriage Consent.**—(a) *Internal Consent.*—If both or one of the parties internally and positively wills to exclude marriage, or the right to the conjugal act, or an essential property of marriage, the contract is null, since there is no purpose to contract a real marriage. Similarly, if both or one of the parties negatively (or by lack of all intention) excludes consent, there is no marriage. It should be noted that he who intends to get a divorce later on does not intend a permanent union or marriage, whereas he who intends to be unfaithful or to practise onanism may nevertheless intend to oblige himself to the duties of fidelity and of the lawful use of marriage, and therefore to a true marriage. Fictitious consent, unless a serious reason excuses (*e.g.,* when one is forced under grave fear to marry, when one becomes aware of a diriment impediment at the altar and cannot retire without great scandal), is a mortal sin, as being a lie in a very important matter and an injustice. If the other party was deceived, the party guilty of feigned consent is bound to make reparation for the damage done, and, unless the marriage has become impossible or inadvisable, the means of reparation should be a genuine consent revalidating the marriage. This is especially true when there is a conflict between the internal and the external forums on account of the inability to establish juridically the nullity of the invalid marriage.

(b) *External Consent.*—Both as contract and as Sacrament, matrimony requires some sensible manifestation of the internal consent. Since the contract of marriage between Christians falls under the jurisdiction of the Church, the manner of expressing the consent is regulated by Canon Law. The solemnities required for valid and lawful marriage will be treated below in **2826, 2827.**

(c) *Mutual Consent.*—Both parties must agree to the marriage, since no one is obliged by a contract without his consent. But mutuality does not imply simultaneity, for, if the previous consent given by one party continues, the subsequent consent given by the other is joined to it and the consent becomes mutual.

(d) *Free Consent.*—If every contract must be deliberate and voluntary, this is especially true in the case of marriage, since it entails very heavy duties and its obligations are lifelong (cfr. **2195**). In marriage there must be full and perfect consent, though it is not necessary that one think expressly on the essentials of the contract when assenting to it.

**2791. Defects in Consent.** — Consent supposes sufficient knowledge, and hence it may be vitiated by a defect as to knowledge.

(a) *Mental Derangement.*—Those who are not in possession of their mental faculties cannot marry, whether the derangement be habitual (*e.g.,* idiots, the completely insane, monomaniacs on the subject of marriage) or actual (*e.g.,* infants, those who are completely drunk or doped, the hypnotized or delirious, somnambulists). But defectives who are not unbalanced all the time or on all subjects, may be able now and then to realize the meaning of marriage and to give deliberate consent, though the presumption is against them. Those whose mentality is of a low grade, but who are able to judge and reason correctly (*e.g.,* stupid persons, the deaf and dumb, or blind), and those who have some little fanaticism or eccentricity are not excluded; otherwise very few of either sex could marry.

(b) *Ignorance.*—Substantial ignorance, or the absence of knowledge about the essentials of marriage (*viz.,* that it is a permanent association of man and woman for the purpose of raising children of their own), makes the contract null, for one does not consent to what one does not know. Accidental ignorance, on the contrary, does not nullify, for he who understands the main facts about marriage can intend to contract it as others do, even though he does not know its details or secondary features. Ignorance invalidates marriage, therefore, if one of the parties does not know that marriage is meant for the procreation of children or that children are procreated by carnal intercourse; but it does not invalidate if the parties are ignorant about physiology or scientific explanations. Substantial ignorance in persons of marriageable age (especially young women) is not uncommon even in these days, but it is not presumed after puberty (Canon 1082, § 2).

(c) *Error.*—Error which excludes consent to the essential object of the contract nullifies, and hence a substantial error about the person with whom one is contracting makes marriage of no effect (*e.g.*, if Titus thinks he is marrying Claudia, but is really marrying her twin sister, Sempronia; if Balbus intends to marry Caia only on condition that she is a virgin and she is not a virgin; if Julius intends to marry the woman who is present solely as differentiated by a personal or individual characteristic which he mistakenly believes her to have, such as seniority among her sisters). Error which does not prevent essential consent does not nullify the contract. Hence, a mere accidental error about the other party (*e.g.*, Titus marries Claudia, thinking she is rich, whereas she is poor, and he would never have married her had he known her poverty) does not make marriage null, though the Church makes the marriage of no effect when a slave is married in the belief that he or she is free (Canon 1083, § 2, n. 2). A mere speculative error about the properties of marriage (*e.g.*, if one believes that marriage may be lawfully dissolved for adultery) or about the validity of one's own marriage (*e.g.*, if the bride erroneously believes that the marriage she is contracting is null) does not deprive the contract of its force, if there is really a purpose to marry as best one may; for such an error does not act upon the will or take away consent.

**2792. Forced Consent.**—Consent also supposes self-determination, and hence in certain cases force or fear makes a marriage null and unlawful.

(a) *Effect on Validity.*—Coercion nullifies marriage from natural law, when overpowering physical might extorts an external assent, or when moral violence so terrifies as to unsettle the reason; from church law at least, when being grave, external and unjustly caused, it compels one to marry in order to escape the evil it inflicts or threatens. In other cases fear does not void marriage, even though it be the cause of the contract, as when the fear is slight, or when it is induced by shipwreck or by the fear of sin, or when a seducer marries only because he is threatened with prosecution unless he marries the girl whom he seduced.

(b) *Effect on Lawfulness.*—He who by intimidation impels another to marry, sins gravely if the fear is unjust and grave, or unjust and productive of serious evils; he sins venially if the fear, though unjust, is light and not productive of serious evils; he sins not at all, if the fear is justly caused, unless he offends charity by his manner of acting, revengeful spirit, etc. He who marries knowing that the other party is forced into the contract, is guilty of serious injustice; and he who marries unwillingly, but with the purpose to live as if he were validly married, sins gravely by his will to live in impurity.

**2793. Conditional Consent.**—Conditional consent is that in which the agreement to marriage is made dependent on some fact or event.

(a) A condition makes marriage invalid if it neutralizes consent (*e.g.*, if the condition is *de præsenti* but unfulfilled; if it is *de futuro* and against the substance of marriage; if it is impossible but seriously added); it suspends marriage if it is *de futuro*, possible, and not against the substance of marriage; it neither nullifies nor suspends if it is *de præsenti* or *de præterito* and fulfilled. In law the presumption is that *de futuro* necessary or impossible conditions and shameful conditions are not serious, or are modes rather than conditions (see **1886**), and of course in the external forum invalidity on account of a condition has to be proved. Conditions against the substance of marriage are such as deny essential conjugal rights or duties (*i.e.*, the right to have conjugal intercourse, the duty of fidelity to the consort, of loyalty to the bond); but they should not be confused with the purpose to violate marriage engagements, or with a resolution, or a vow, or a pact in the form of a mode, not to make use of the right to conjugal intercourse.

(b) A condition added to marriage consent is gravely sinful, unless there is a very urgent reason for it; otherwise most serious evils would result. Moreover, there is responsibility in justice for culpable damages, as when one party gives consent conditionally without the knowledge or against the will of the other party. A suspensive condition (*e.g.,* "if my parents will consent") is regularly unlawful without the bishop's permission, and marriage rights may not be used in a marriage dependent on a condition whose fulfillment is not known to the parties. It is unlawful to make a vow or promise of chastity in the married life unless there is moral certainty that it will be kept.

**2794. The Elements of Marriage as a Sacrament.**—(a) The matter and form of marriage are found in the contract, for the Sacrament is the natural pact elevated to the dignity of a sacred sign productive of grace. The remote matter is, therefore, the bodies of the spouses, or the bodily rights which they give one another (I Cor., vii. 4). Since the indeterminate part of a contract is the offer or bestowal, and the determinate part the approval, the proximate matter of Matrimony is found in the grant of mutual conjugal rights externally manifested, and the form in the acceptance of that right externally manifested.

(b) The ministers and the recipients of Matrimony are the parties themselves, since it is they alone who make and receive the contract. In order to be a recipient of the Sacrament it is necessary that a person be baptized and be free from all natural, divine and human impediments that make one incapable of the contract of marriage.

(c) The effects of Matrimony are *per se* second grace, which increases sanctity and is of help especially for the due performance throughout life of the duties of the conjugal state and for domestic blessedness and happiness.

**2795. Duties in Connection with Marriage.**—The duties in reference to marriage as a permanent state of life were treated already in **2613 sqq.**, and we shall consider here only the duties that have to do with marriage as a contract and a Sacrament. These duties can be arranged under three heads: (a) before marriage, there are obligations in reference to the preparation for marriage, which consists remotely in engagement or espousals, and proximately in compliance with duties owed to divine, ecclesiastical, and civil law (*e.g.,* license from the State, establishment of freedom to marry, proclamation of banns, dispensations, confession); (b) during marriage, in addition to the common obligations of intention and a state of grace, there are special duties in reference to the external form or rite of marriage; (c) after marriage, there is a duty of making canonical records and of validating defective marriages.

**2796. Betrothal or Engagement.**—Engagement is a promise of their future marriage made by competent persons.

(a) It is a *promise,* either unilateral or bilateral, the latter being espousals or betrothal in the strict sense of the word (**1749**). Like every promise, engagement is not binding unless it be made with requisite deliberation and freedom from force and fear. But a valid engagement to marry has not the same strength, either from divine or from human law, as a contract of marriage, and hence fraud or light fear unjustly produced and which induces one to become engaged leaves the engagement rescindable at the will of the innocent party. Canon Law requires certain formalities for a valid engagement, and without them there is no obligation in either forum. The law is that the contract of betrothal be in writing, and be signed by the parties and also by the pastor or local Ordinary or two witnesses, and that, if one or both of the parties be unable to write, this be noted in the document and an extra witness be added (Canon 1017).

(b) It is a promise *made by competent persons.* Hence, there is no valid engagement if a party is incapable either naturally (*e.g.,* one who has not the use of reason) or canonically (*e.g.,* one who has not attained the age of seven years). It is against good morals to be engaged to two persons at the same time, with the understanding that one will marry the second after the expected death of the first; and much more is it immoral for a married person to become engaged to marry another, the marriage to take place after the death of the present consort. Some canonists hold that engagements are not valid before the age of puberty, on account of the lack of sufficient discretion.

(c) It is *a promise of future marriage,* that is, a contract to marry, not a contract of marriage. A nuptial engagement is *invalid* if the marriage promised is invalid or unlawful, for no one can bind himself to sin. An invalid marriage is promised if there is a diriment and not dispensable impediment in the way, or if in spite of a removable impediment the engagement is unconditional, unless the mind of the parties is to marry after the impediment has ceased. The Church seems to regard as null an engagement made on the condition that the Pope will dispense an impediment. An *unlawful* marriage is promised when the parties cannot marry without sin (*e.g.,* when the marriage will bring great sorrow or disgrace on parents), or when they promise to marry in a sinful way (*e.g.,* with the understanding that they will abuse marriage). But an unlawful promise of a lawful marriage is not necessarily invalid, and hence an engagement dependent on an immoral condition not opposed to the substance of marriage would become obligatory on fulfillment of the condition (see **1878** d, **1886**).

**2797.** It should be noted that the former diriment and impedient impediments produced by espousals are no longer in force, and even a valid engagement gives no right to an action for the celebration of marriage.

**2798. Is an Engagement Necessary before Marriage?**—(a) An engagement is not strictly necessary. Neither the validity nor the lawfulness of marriage depends on espousals, for there is no law that requires this. Hence, if for a reasonable cause a man and woman married without any previous binding pledge on either side, the marriage would be good and lawful. The formal engagements of Canon Law are not common in this country, but an informal engagement usually precedes matrimony.

(b) Engagement is most suitable and useful. Men are accustomed to fit themselves by long and serious study for the business of a profession or calling, and to enter into preliminary agreements about contracts of major importance (as in contracts to sell), and certainly marriage, a contract and vocation that binds until death and upon which the spiritual and temporal welfare of society and individuals rests, is among the most momentous of human agreements. The special advantage of engagement is that it affords a means of preventing hasty and ill-advised unions, of discovering impediments, of securing the consent of parents, and of preparing oneself in knowledge and virtue for the duties of the married state. If engagements were regarded and treated as a period of training for serious and sacred duties, not as a time for frivolity or enjoyment, there would be fewer divorces and less talk about trial marriages. On the duties of engaged persons to one another, see **2628, 2629.**

**2799. Duties to Parents or Guardians in Reference to Marriage.**—(a) There is, *per se,* a duty of consulting with one's parents about one's marriage; for he who marries without their knowledge, generally exposes himself to the danger of making a serious mistake, and moreover as a rule the interests of parents themselves are bound up intimately with the marriages of their children. Hence, unless a very serious reason excuses, he who marries without advising with his parents sins grievously by his rashness or want of filial affection. The same is true, if a child wilfully disregards the wishes of his parents by stubbornly marrying when for a good reason they disapprove. If their opposition is imperative and emphatic, or if they are grief-stricken at thought of the imprudent marriage, the sin is serious; but if their opposition is mild and the match not a very bad one, the sin is venial. The consent or counsel of parents is not necessary for validity, however, since it is not they who are getting married, and no law makes their consent or counsel an essential part of the compact. *Per accidens,* their consent or counsel is not even necessary for lawfulness, as when the children live far away from their parents, or when marriage has to be contracted without delay, or when the parents are unreasonable in their opposition.

(b) There is, *per se,* no duty of obeying one's parents in the matter of marriage: first, because marriage supposes choice, admiration, and love, and these do not submit to dictation, even from parents; next, because in things that pertain to nature, such as self-preservation and procreation, children are not subject to their parents; finally, because the authority of parents does not extend to the whole lifetime of their children and marriage is a lifelong union. Hence, parents may not compel their children to marry or to remain single; they may not make the match for their children against the latters' will, they may not force a child to marry a person whom he or she detests, they may not veto a marriage that does not appeal to them if the son or daughter has good reasons for it. Those parents sin, then, who refuse their blessing to a marriage out of selfishness, and those parents sin gravely who force their children into loveless unions and so make them unhappy in this world and endanger their salvation for the world to come. *Per accidens,* there is a duty of obeying parents in reference to marriage when one is obliged even apart from their command to do what they prescribe, when the marriage which they forbid is also forbidden by law (*e.g.,* if the child is needed at home to support his indigent parents, if the mate selected will bring disgrace upon the family and the match can easily be broken off), or when the marriage which they require is also demanded by duty (*e.g.,* if a son will surely enter upon a wild and reckless life unless he marries). See above, **2228, 2627, 2633, 2636, 2347, 2348, 2361 sqq.**

**2800. Duties of Parents in Reference to Marriage.**—(a) If there is question of the marriage of a child, parents should guide themselves by the rule of St. Paul: "Let her marry whom she will, only in the Lord" (I Cor., vii. 39). Undue pressure should be avoided, but bad marriages should be opposed, and parents should assist their children to marry well. (b) If there is question of a parent's second marriage, the children's interests should be considered in making the choice of the step-father or step-mother, and, if the children are grown up, they should be consulted, or at least they should not be unreasonably saddened or harmed by the new marriage.

**2801. Obstacles to Marriage.**—Since marriage is a most important contract and a Sacrament, it is necessary to ascertain beforehand with moral certainty that there is no obstacle to its valid and lawful celebration. This imposes duties on the pastor, the couple themselves, and the faithful who know them.

(a) The pastor in virtue of his office is gravely obliged to make inquiries about the competency and fitness of the prospective husband and wife, and even in a death-bed marriage the obligation does not cease. Church law prescribes the method of inquiry, which should include an examination and instruction of the couple and a publication of the marriage. Of course, there is an obligation of confidential secrecy.

(b) The couple are bound to present themselves to the pastor within a reasonable time before the marriage in order to make these arrangements, and should bring with them the necessary papers (for example, their baptismal certificates, license to marry, testimonials). They are gravely obliged to make known either to the pastor or to the confessor any impediment, even though it be of a secret and culpable nature, in order that their marriage may be valid and lawful, unless they wish to give up the marriage or seek a dispensation in some other way.

(c) The people who know of an impediment to a marriage are bound under pain of mortal sin to make it known in time to the pastor or Ordinary; for the natural and divine laws, as well as the law of the Church, hold one to speak when this will prevent irreverence to the Sacrament of Matrimony, sin and other serious evils to the neighbor. The obligation ceases, however, when the revelation is either impossible or useless. Cases of impossibility are those in which revelation will cause great spiritual harm (*e.g.*, public scandal), or great temporal harm of a public kind (*e.g.*, violation of professional secret), or a great temporal harm of a private kind (*e.g.*, persecution), unless a more serious evil will result from concealment. Revelation is useless when the marriage can be stopped or made legal in some other way (*e.g.*, by persuading the couple to break their engagement or get a dispensation), or when one foresees that the revelation will have no effect.

**2802. Duties of the Pastor in the Examination of Engaged Persons.**—(a) He should question both the man and the woman separately and prudently about their freedom to marry, even though he is certain that there are no impediments. He should inquire especially whether there has been a previous marriage, and should also ask specifically about any impediment that seems likely. About impediments of a defamatory kind he should not interrogate before others, leaving that matter if necessary to his doctrinal instruction or to the confessor. (b) He should ask both of them, and especially the woman, whether they have decided on marriage freely, without force or pressure from any person. But children who live with their parents should be asked whether or not they have obtained their parents' consent to the proposed marriage.

**2803. Special Proofs of Freedom to Marry.**—(a) *Proof of Baptism.*—A baptismal certificate should be presented by the parties (if baptized in another parish), even by one who is a baptized non-Catholic. If a certificate cannot be had, other proofs are necessary. In danger of death, the sworn testimony of the parties suffices; outside danger of death, the testimony of a reliable witness, or of the person himself, if he can remember his Baptism, or, it seems, a certificate of Confirmation or First Communion will do. If Baptism cannot be proved and there is a prudent doubt, it should be administered conditionally.

(b) *Proof of Single State.*—If it is manifest that a previous civil marriage was null and was dissolved by divorce, the proof of the facts suffices. If the husband or wife of a previous marriage has died, but the pastor has no personal knowledge of this, positive proof of the decease in the form of a public document or of sworn testimony of two or at least one reliable witness is necessary, and if the pastor cannot obtain these he must have recourse to the Ordinary.

**2804. Matrimonial Impediments.**—(a) *Definition.*—An impediment is a circumstance directly affecting the contract of marriage and rendering it illicit or invalid. Thus, an impediment differs from an unfitness that refers immediately to marriage as a sacred rite or Sacrament (such as lack of proper intention or a state of mortal sin), or that does not directly affect the parties (such as forbidden time).

(b) *Division.*—In reference to effects, an impediment is either *impedient* (*i.e.,* one that forbids marriage under pain of grave sin but does not render it null and void) or *diriment* (*i.e.,* one that not only forbids marriage, but also makes it null and void).

**2805. Sinfulness of Marrying with an Impediment.**—(a) If the impediment is certain, grave sin is committed; for deception and disobedience are committed in a grave and sacred matter, and, if the impediment is diriment, the marriage contract is made null. Great necessity, however, would sometimes excuse.

(b) If the impediment is uncertain, no sin is committed when the impediment is one of ecclesiastical law and the doubt is one of law, for in such a case the legislator removes the obligation (Canon 15); nor when the impediment is impotency (Canon 1068), in view of the fact that the general law of propagation of the race leaves a natural presumption against impotency, which can be overcome only by a certain impediment. It would be an intolerable hardship if marriage were made impossible by a doubt where proof is so difficult. There is a serious sin, however, in other cases, because one is either exposing the Sacrament to nullity or is refusing, contrary to a serious command of the Church, to seek a dispensation.

**2806. The Impedient or Prohibitive Impediments** (Canons 1058–1066).—(a) *Vow.*—The following simple vows make marriage illicit: the vow of virginity, that of perfect chastity, the vow not to marry, the vow to receive Sacred Orders, the vow to enter religious life. A vow to abstain from the use of marriage is not against the substance of marriage, but it is difficult to keep in the married state; the vows to enter religion, or take Sacred Orders, or not to wed, are incompatible with marriage. Hence, the Church forbids one who has these vows to marry, unless the vow be first dispensed. Those who marry while bound by one of these vows sin gravely, and are held to keep the vow if this is possible or the other party's rights do not prevent.

(b) *Legal Relationship.*—In those countries where relationship from adoption makes marriage illicit, there is also an impedient impediment of Canon Law. The Church wishes, in so far as possible, to preserve harmony between her own law and that of the State. Hence, she includes in her Code the civil law regulations that forbid marriage to certain persons on account of the intimate relation that exists between them through civil law adoption. The law of some European (*e.g.,* France, Germany, Switzerland) and South American countries have a prohibitive impediment of adoption, but in the United States, the British Empire, and many other countries adoption is no such hindrance to marriage.

(c) *Mixed Religion.*—Marriage between two baptized persons, one a Catholic and the other a member of an heretical or schismatical sect, is severely forbidden by the Church. Mixed marriages in themselves are opposed to divine and natural law, inasmuch as they offer an occasion for communication in false worship and a danger of perversion; and hence they have been disapproved from the very beginning of the Church (II John, x. 11; I Cor., v. 10; Tit., iii. 10). But the divine prohibition ceases if appropriate measures are used to safeguard the faith of the Catholic and the children, and the Church will grant a dispensation, though reluctantly and only for just and grave causes.

**2807. Duties in Reference to Mixed Marriages.**—(a) *The Pastor.*—A dispensation should not be sought unless there is first a sufficient reason, all things considered, and generally the reason should be the public good (such as the relative fewness of Catholics in a district, hope of conversion of the non-Catholic, avoidance of scandal). Secondly, there must be guarantees given by the non-Catholic that the faith of the Catholic will not be interfered with, and both parties must promise that all the children will receive Catholic and no other baptism and education. Finally, these promises must be such as to produce moral certainty of fulfillment, and as a rule it should be required that they be given in writing. After the marriage has been celebrated, the pastor is held both in charity and in justice to do what he can to have the promises faithfully lived up to.

(b) *The Parties.*—Neither before nor after the marriage in the Catholic Church is it lawful to have any non-Catholic religious ceremony (see **956 sqq.**) ; and if the pastor knows that this has been done or will be done, he may not assist at the marriage without permission from the Ordinary, which is granted for a most grave reason (scandal being avoided). After the marriage the parties are bound in justice to keep the promises made, and the Catholic is held in charity to seek prudently, by good example and advice, to convert the non-Catholic.

**2808. Marriages with Bad Catholics.**—(a) If the bad Catholic is unworthy in the matter of faith, because he has notoriously given up the Church (even though he has not joined any other religion, or because he is a member of a forbidden society), there is a danger of perversion. In such a case the pastor may not assist at the marriage unless the Ordinary decides that there is a sufficient reason, that the danger of perversion is made remote, and that the Catholic education of the children is provided for.

(b) If the bad Catholic is unworthy in the matter of morals, because he is a public sinner (*e.g.,* one who neglects the Easter duty), or notoriously under censure and therefore a person to whom the Sacraments must be denied, the pastor is confronted with the law that one may not coöperate formally, even by assistance, in the profanation of a Sacrament. As the guilt of the unworthy person is public in these cases, there must be public reparation before the marriage can be sanctioned by the presence of the Church's representative. The reparation is to be made either by the sinner going to confession or by the censured person obtaining absolution. But since the priest's presence can be only a material coöperation, it may be permitted by the Ordinary for a grave reason when the unworthy person refuses to comply with the conditions.

**2809. Other Obstacles to Marriage.**—Other obstacles which forbid marriage, though they are not strictly canonical impediments, are the following:

(a) valid engagement gravely forbids marriage with a third party. This is a natural obstacle which results from the very nature of a binding promise;

(b) special prohibition of the Church at times gravely forbids a particular marriage, as when the Holy See in granting a dispensation for a present marriage forbids a future marriage. If an irritant clause is added, the prohibition has the force of a diriment impediment. The Ordinary also may forbid a particular marriage for a time, as when there is suspicion of a secret impediment, or when great damage will likely ensue from a marriage. This prohibition is for a special case or time or person, and thus it differs from the impediments of the law;

(c) closed times (Lent and Advent) are the seasons when, on account of the penitential and mournful character of the liturgy then in use, the solemn blessing of marriage is not regularly permitted. This is not really an impediment, since marriage itself may be contracted at any time of the year, according to the general law.

**2810. Diriment Impediments to Marriage.**—The diriment or nullifying impediments to marriage are personal incapacities in a person which render him or her incapable, from divine or ecclesiastical law, of contracting marriage with anyone (*absolute* impediments), or of contracting marriage with a certain individual (*relative* impediments).

**2811.** The *absolute* diriment impediments are the following: (a) those that are due to a personal defect making one unable to promise with sufficient discretion (impediment of age) or to perform what is promised (impediment of impotency); (b) those that are due to a voluntary act which consecrates one to God with the obligation of perpetual celibacy (the impediments of Orders and vows).

**2812.** The *relative* impediments are the following: (a) that one which is due to an obligation to one's present husband or wife (the impediment of bond); (b) that one which is due to too great a difference between two parties (impediment of difference of religion); (c) those that are due to too close a kinship between two parties, whether natural (impediments of consanguinity and affinity) or like to the natural (impediments of public decency, spiritual kinship, legal kinship); (d) those that are due to a relationship caused by a crime that makes it unsuitable for two parties to marry. If one party is perpetrator and the other the victim, there is the impediment of abduction; if the two parties are accomplices, there is the impediment of crime.

**2813. The Impediment of Age.**—(a) *Nature.*—This impediment exists in males who have not completed their sixteenth year, and in females who have not completed their fourteenth year. These ages are set by the general law, because all parts of the world have to be considered and sufficient discretion may be presumed at those ages everywhere. But substantial ignorance even after those years invalidates consent, and moreover, in colder countries where development is slower, marriage is generally inadvisable before the parties are 18 and 16 respectively. The marriageable ages according to the statute law in most of our States are 18 and 16 with parental consent, and 21 and 18 without it.

(b) *Effect.*—This impediment is of ecclesiastical law in so far as the precise determination of age is concerned, but of natural law in so far as the use of reason is demanded. Hence, the Church may dispense, and hence also the impediment as ecclesiastical does not bind the unbaptized, even when they marry Christians.

**2814. The Impediment of Impotency.**—(a) *Nature.*—Impotency is the inability to exercise the sexual act in a way suitable for procreation. The requisites for this act are *immissio membri virilis in vaginam mulieris cum seminis effusione,* and hence those are impotent who lack sexual organs (such as the emasculated or spayed), or who on account of psychical or physical abnormalities are unable to have complete intercourse (*e.g.,* anaphrodisiacs, some hermaphrodites, those who suffer from hypospadias, vaginism, etc.). Sterility, or the mere inability to procreate from sexual intercourse (as in old persons), is not the same thing as impotency, and is not an impediment to marriage. Authorities are not agreed whether or not the operations of male vasectomy and ovariotomy produce impotency or sterility.

But many regard the former operation as unlawful except for a most grave cause (such as the saving of life), since it takes away a power given by nature for the benefit of society, exposes the individual to very serious temptations, and opens the way to terrible abuses.

(b) *Effect.*—Impotency anterior to marriage and perpetual, whether in the man or in the woman, whether known to the other party or not, voids marriage from the law of nature itself, and hence is not dispensable. But impotency that arises after marriage or that is only temporary does not invalidate, and impotency that is relative (*i.e.*, in reference to one person only) does not nullify marriage except in reference to a determinate person. In justice to the other spouse, married persons who have an easily curable impotency should have this defect removed.

**2815. The Impediments of Orders and Vows.**—(a) *Orders.*—Those who are in Sacred Orders (priesthood, deaconship and, in the Latin Church, subdeaconship) cannot marry validly. The impediment is decreed by ecclesiastical law alone, and hence the Church has the power to dispense. One who was ordained through compulsion or in ignorance of the duty of celibacy, is permitted to marry, if he does not wish to ratify his ordination; but he then loses all right to exercise his Order. In other cases the dispensation is rare (**2235**).

(b) *Vows.*—Professed religious with solemn vows or simple vows that annul marriage cannot marry validly. It is more probable that this impediment, in so far as solemn vows are concerned, is of divine right; but the Pope, as the Vicar of Christ, is able to dispense (see **2194, 2234, 2235, 1787** e).

**2816. The Impediment of Bond.**—(a) A person who is already validly married cannot marry again until the bond of the existing marriage is removed by the death of the other spouse or by dissolution. An exception is the case of the Pauline Privilege; but even then the bond of the first marriage remains till the second is contracted (see **2787** e).

(b) This impediment is of natural and divine law, and it binds all men, the unbaptized as well as the baptized. No dispensation can be granted from the impediment as long as it continues; and moreover those who would contract a second marriage must offer proof that the bond of the first marriage was non-existent, or that it has ceased. Nullity of a previous marriage must be established by canonical process (Canons 1986 sqq.); dissolution of an unconsummated marriage through vow or Papal dispensation is proved sufficiently by an authentic document; cessation of bond through death of consort must be demonstrated with moral certainty, if it is not manifest (see **2803**). The procedure to be observed in cases of the Pauline Privilege is explained by commentaries on Canons 1120 sqq. of the Code.

**2817. The Impediment of Difference of Religion.**—(a) A marriage of a Catholic (*i.e.,* of a person baptized in or converted to the Catholic Church) with an unbaptized person is null and void. This impediment bars the marriage of a professed ex-Catholic with an infidel, but not the marriage of a non-Catholic with an infidel; and by infidel is understood here not only a non-Christian (such as a Jew), but also a Christian unbaptized or invalidly baptized. A person accidentally baptized by a Catholic is not considered a Catholic if born of heretical or schismatical parents and reared by them in their sect.

(b) This impediment as prohibitive is of divine ordinance, for the same reasons as in the case of mixed marriages (see **2806** c): "Bear not the yoke with unbelievers" (II Cor., vi. 14). But neither natural nor divine law nullifies such a marriage with unbelievers; for the substantial ends of marriage (*i.e.,* procreation and education of children) can be had even in such unions, and very holy personages have contracted marriage even with pagans (*e.g.,* Jacob with the daughters of Laban, Joseph with the daughter of Putiphar, Moses with the daughter of Jethro, Esther with Assuerus, St. Cecilia with Valerian, St. Monica with Patricius, St. Clotilda with Clovis, etc.). The Church, however, has made difference of religion a diriment impediment on account of the special danger, and it grants no dispensation unless the precautions decreed for mixed marriages be observed (see **824**, **2807**).

**2818. The Impediments of Kinship.**—(a) *Consanguinity.*—Marriage is null when contracted between blood relatives, that is, persons descended from one another or from one common ancestor within certain limits. In the direct line consanguinity invalidates marriage between all ascendants and descendants, legitimate or natural, that is, between a man and all his female ancestry (mother, grandmother, etc.) and posterity (daughter, etc.), and between a woman and all her male ancestors and posterity. In the collateral line it invalidates to the third degree inclusively, that is, between a man and a woman whose parents are related as first cousins or even more closely. The degree of consanguinity between this man and woman is first, second or third, according as one, two or three generations separate them (*i.e.*, both or the one farthest removed) from the nearest ancestor of both (see Canons 96 and 1076). Consanguinity is multiplied when two parties are descended from several common stocks. This impediment is of the natural law as regards the first, and probably all the other degrees of the direct line; for reverence due to parents forbids one to marry them. Marriage between brother and sister is not opposed to the absolute or primary law of nature, but to the relative or secondary law (see **303**); for natural inclination teaches that it is unbecoming for members of the same family to intermarry, and further the children of their unions are very apt to be weakly or defective. In other degrees consanguinity is an impediment of church law only, and may be dispensed for a good reason, but a more serious reason is necessary for nearer relationship.

(b) *Affinity.*—Marriage is null when contracted between relatives-in-law, or those who are kin by valid, even though unconsummated, marriage. But the impediment exists only between the husband and his wife's blood relatives, and vice versa. In the direct line it includes all degrees; in the collateral line it extends to the second degree inclusive. Hence, a widower is impeded from marrying all the lineal relatives of his deceased wife (her mother, grandmother, daughter, granddaughter, etc.), and the following of her collateral relatives: her sisters, her aunts, her nieces, her first cousins. Affinity is multiplied by multiplication of the consanguinity on which it is based (*e.g.*, when a woman is doubly related to one's deceased wife), and by successive marriages (*e.g.,* when a woman is the sister of a man's two deceased wives). The impediment of affinity is justified by moral reasons—by the mutual reverence that should exist between those who are closely related by marriage, by the dangers to which their relationship would be exposed if they were able to marry, and by the good of society, which is promoted when marriage is not confined within too narrow a circle. But the impediment is entirely ecclesiastical, for the Church can dispense in all degrees, and the relationship is only an imperfect copy of consanguinity.

(c) *Public Decency.*—This impediment, also known as quasi-affinity, arises from an invalid, even though unconsummated, marriage, and from public or notorious concubinage; and it annuls marriage in the first and second degrees of the direct line between the man and the blood relatives of the woman, and vice versa. The reason for the impediment is the unbecomingness of marriage with the near relatives (*i.e.,* the mother, daughter, grandmother, granddaughter of the woman, and the father, son, grandfather, grandson of the man) of a person with whom one has lived in putative marriage or concubinage. The impediment is less strict than that of affinity, and is of ecclesiastical law only.

(d) *Spiritual Relationship.*—This impediment nullifies marriage between a baptized person and the person who baptized him or her or who stood for him or her in Baptism. The minister and the sponsor contract a relationship of spiritual parenthood to the baptized person, since Baptism is a supernatural birth and the godparents are charged with the religious welfare of the godchild. Reasons of respect and of intimate relationship make marriage between such persons unbecoming, and hence the Church from early times has ruled against it.

(e) *Legal Relationship.*—Persons who in civil law are unable to marry one another on account of the relationship arising from legal adoption are also barred from marriage in Canon Law. The relations between an adopted person and the members of the family into which he is adopted are so close that human lawmakers have often felt it necessary to declare adoption an impediment to marriage. New Jersey seems to be the only State in this country whose law makes adoption an invalidating impediment.

**2819. Matrimonial Impediments Produced through Misdeeds.**—(a) *Abduction.*—There can be no valid marriage between a man who holds a woman under restraint in order to compel her to marry him, if she has been abducted by him or is violently detained by him in her residence or elsewhere. If the woman who has been carried away or who is held against her will marries unwillingly, the marriage is invalid according to natural law; if she marries willingly, the marriage is invalid from church law. Hence the impediment of abduction is of positive law only and does not oblige infidels (see Canon 1064).

(b) *Crime.*—There can be no valid marriage between the following: those who during a legitimate marriage have consummated adultery together and have mutually promised future marriage or have attempted marriage, even though only civilly (Canon 1075); those who during the same lawful marriage have consummated adultery together, and of whom one has committed conjugicide; those who have coöperated physically or morally, even though they are not adulterers, to murder the spouse of one of them. The purpose of this impediment is to safeguard the fidelity and rights of married persons, and to punish those who resort to adultery or murder in the hope of a new marriage. The impediment is ecclesiastical and does not affect infidels.

**2820. Duties of the Pastor After the Inquiry about Impediments.**—(a) *Dispensation.*—If the pastor finds an impediment of natural or divine law (*e.g.,* the bond of an existing marriage), or an impediment which is never dispensed (*e.g.,* consanguinity in the first degree of the collateral line, notorious conjugicide, when there is no danger of death), he cannot proceed with the marriage. If he discovers another impediment, he must inquire whether or not there is sufficient reason for dispensation. For the impediments of occult crime, difference of religion outside of mission countries, age, Sacred Orders and religious profession (also for neglecting the form of marriage), a grave reason is necessary to permit marriage; but for the remaining impediments, a less grave reason is required. The usual or grave reasons for dispensation include the public good (*e.g.*, peace between peoples, prevention of serious litigations), a great private good (*e.g.*, a suitable marriage offered to a woman who on account of age or locality can hardly find another such chance), great spiritual good (*e.g.*, prevention of a mixed or civil marriage or great scandal, termination of open concubinage), great temporal good (*e.g.*, means to support the family of a poor widow); but other and lesser reasons sometimes suffice, as when the woman is illegitimate, an orphan, deflowered, sickly, or homely, or the man needs someone to take care of him or of his small children from a previous marriage, or when the marriage has already been announced or will be of great advantage to the parents of one of the parties. In case of urgent necessity or of danger of death, the pastor and also the confessor or priest who assists at the marriage are empowered to grant certain dispensations; in other cases dispensation can be granted only by the local Ordinary or by the Holy See. The petition for a dispensation must state the facts truthfully, but must conceal the identity of the petitioner when the impediment is occult. In executing a dispensation one must observe the conditions laid down by the superior who granted it (see commentaries on Canons 1043 sqq.).

(b) *Publication.*—Even though it is morally certain that there is no impediment, the banns of marriage should be proclaimed beforehand and in the place where the parties have their domicile or quasi-domicile (or residence, if they are *vagi*), and also, if necessary, in other places where they have lived. This is a grave duty, since its purpose is to ensure the validity and lawfulness of marriages. If it is morally certain that there is no impediment, the Ordinary may dispense for a good reason (see commentaries on Canons 1022 sqq.).

**2821. After the Examination and Proclamation.**—(a) If it is certain that there is an impediment, the procedure will be that given in **2820** a; (b) if it is doubtful whether there is a diriment impediment, the matter should be investigated more fully, but without defamation of the parties; and if the doubt remains, the question should be submitted to the Ordinary (see above, **2805** b) ; (c) if no impediment, certain or doubtful, has been discovered, the pastor should approve the parties for marriage.

**2822. Duties of the Pastor as Regards the Religious Instruction of the Engaged Couple.**—(a) The pastor should require those who are not confirmed to receive Confirmation before their marriage, if they can do this without serious inconvenience.

(b) He should instruct the parties in the essentials of Christian doctrine, if they are ignorant in these matters (see **920 sqq.**), and he should point out to them the nature of marriage as a contract and as a Sacrament, its purposes and properties, the grace it confers and the conjugal and parental duties it imposes, the necessity of preparing for the Sacrament and of receiving it in the state of grace. He should also speak about the impediments, so that the couple may understand the disqualifications for a valid and lawful marriage; but this should be done prudently, so as not to shock the innocent or to help others to evade the law. But ignorance of the Catechism is not strictly an impediment; and if the parties are unwilling to take instruction, they should be married without it. In a mixed marriage it is often very useful to give the non-Catholic a short course in Catholic teaching, and all couples who are preparing for marriage would do well to read some of the good works prepared especially for the use of engaged or newly married people. The Code requires of pastors that in their sermons they instruct the people on marriage and exhort them to avoid mixed marriages and marriages with the unworthy (Canons 1018, 1064, 1065).

**2823. The Pastor and the Duties of Engaged Couple.**—The pastor should also inquire about duties owed by the couple to others.

(a) *Duties to Parents.*—He should seriously admonish minors subject to parental authority not to marry without the knowledge or against the reasonable wishes of their parents. If the parents are opposed to the marriage, the pastor should decide from the circumstances whether the opposition is justified or not; if one parent only is unwilling, the wishes of the father *per se* have preference over those of the mother, as he is the head of the family. If the engaged couple will not heed the pastor, he is seriously bound to refuse to marry them until the case has been presented to the Ordinary for decision (Canon 1034).

(b) *Duties to Civil Law.*—The State has no power over the Sacrament of Matrimony, its bond, or its inseparable temporal effects (such as the rights and duties of spouses, legitimacy of children and the like), but it is competent in reference to merely civil effects and conditions, which are temporal circumstances separable from the substance of marriage. Hence, those who are getting married should comply with civil formalities that do not trespass on church rights, such as registration or marriage license.

**2824. Opposition of Parents to Marriage.**—In deciding whether the parental opposition to a marriage is reasonable or not, the pastor should take into consideration both the motives for the opposition and the reasons in favor of the marriage.

(a) The motives for the opposition are reasonable, if the parents object because of the undesirability of one of the couple, or their incompatibility, or the evil consequences that will follow the marriage. A person is undesirable on account of defects of soul (*e.g.*, an atheist, a drunkard, a libertine, a man or woman of ill-fame, a cruel man, an ill-tempered woman), or of body (*e.g.*, a person who is deformed, or malodorous, or afflicted with syphilis or other serious disease), or of mind (*e.g.*, a half-witted person), or of economical ability (*e.g.*, a man who is a gambler or spendthrift, or who is unable to earn a living; a woman who is loaded with debts or who cannot take care of a home). There is incompatibility when the ages of the couple or their rank in life, their race, their education, their tastes, or their dispositions are utterly different. There are evil consequences when scandals, hatreds, disgrace, or loss of temporal goods will ensue.

(b) The reason for the marriage, however, may suffice to prevail over the parental objections. Thus, if the strong disapproval of relatives is the only reason against a marriage and its abandonment will make the couple unhappy for life, charity does not oblige to such a sacrifice. And the temporal advantage of a family should not be preferred to the spiritual benefit, if their son who is wild wishes to marry a poor girl who has a good influence over him rather than a wealthy girl whom he does not admire.

**2825. Religious Duties before Marriage.**—(a) *Confession.*—A public sinner (*e.g.,* one who has been living in concubinage) is obliged to go to confession before marriage in order to repair his scandal. A sinner whose guilt is not public must repent before receiving the Sacrament of Matrimony, since it is a Sacrament of the Living and supposes the state of grace; but an act of contrition strictly suffices. It is recommended, however, that all persons go to confession as a preparation and that they make a general confession. The confessor should be told of any occult or incriminating impediment that was not disclosed to the pastor, and it is therefore advisable that the confession precede the ceremony by several days, so as to allow time for possible dispensations.

(b) *Communion.*—It is better that Communion be received on the day of one's marriage, but, if this is not convenient, it may be received several days before or several days after. There is no command as to this, but the Church's counsel is most earnest.

**2826. The Celebration of Marriage.**—(a) *Requisites for Validity.*—In order to be valid, a Catholic's marriage must be celebrated in the presence of the parish-priest or Ordinary, or of a priest delegated by either, and of at least two witnesses. There are two exceptions to this law, namely, in danger of death when the priest cannot be had and in the case of inability to appear before a priest within a month. This law is most suitable, since marriage is not a mere profane contract, but a Sacrament subject to the Church; the law is also necessary, since secret or clandestine marriages would be impossible of proof, and society and the family would be seriously harmed if they were permitted except in very extraordinary cases.

(b) *Requisites for Lawfulness.*—The pastor assists lawfully at a marriage if he has assured himself of the freedom of the parties to marry and of his own right to assist officially at their marriage. The pastor has the right to witness a marriage when the parties are his subjects by reason of their location in his parish, or when he has permission from their pastor or Ordinary to assist at the nuptials. When the bride is from one parish and the groom from another, the rule is that the marriage should be held before the bride's pastor (Canons 1094 sqq.)

**2827. The Rite of Marriage.**—(a) The essential rite consists in the words of consent spoken by the bride and groom. The assisting priest asks for this consent, and then (except in a mixed marriage) blesses the newly married pair and the ring. Marriage by sign language or through an interpreter or proxy is not lawful without special permission, and marriage by letter is not recognized (Canons 1088 sqq.).

(b) The accidental rite is the nuptial blessing bestowed during the Nuptial Mass that follows on the marriage. This is omitted in mixed marriages, and also as a rule during Advent and Lent. The place for marriage is regularly in the parish church, if it is a Catholic marriage, but outside the church if it is a mixed marriage (see Canons 1100 sqq.).

**2828. Coöperation in an Unworthy Marriage.**—(a) *The Priest.*—The clergyman acts as the official representative of the Church, and hence only a serious reason will permit his assistance when the unworthiness of one of the parties is known to him in an extra-confessional way. A serious reason would be a threat of bodily harm to the priest or great spiritual detriment to the parties, such as their continuance in the state of sin. A more serious reason is required if one of the parties is an *excommunicatus vitandus.* Finally, at times only passive assistance is permitted, as in certain mixed marriages in which the non-Catholic refuses to give guarantees, but there is greater danger of perversion without than with the assistance (see **2677 sqq.**).

(b) *The Spouses.*—The bride and groom are the ministers as well as the recipients of Matrimony, and hence, if one of the parties knows that the other is not in the state of grace, there is an administration of a Sacrament to an unworthy recipient. But only charity would bid one to deny the Sacrament to that other party, if one could not induce him to dispose himself, and charity does not oblige with great inconvenience. Hence the worthy party, if he or she has a suitable reason for marrying, does not sin by reason of the other party's unworthiness.

(c) *The Witnesses.*—The coöperation of the witnesses is less than that of the priest and of the worthy party, and hence only in an extraordinary case do the witnesses sin by assisting at a marriage contracted before the Church. They may presume that all is well, if the pastor has agreed to the marriage; and even though they are certain that the bride or groom is in mortal sin, the fear of incurring displeasure or harm will ordinarily excuse the best man or bridesmaid from all sin, or at least from grave sin.

**2829. Registration of Marriages.**—The Code requires that marriages be recorded in the matrimonial and baptismal registers, and that notification be sent to the pastors of the parishes where the bride and the groom were baptized. This duty seems to be grave, since its end is to provide for stable conditions and secure proof of freedom to marry. The entries should be made without delay (*i.e.*, within three days at least), lest they be overlooked or be made incorrectly (Canon 1103).

**2830. When an Impediment Is Discovered after Marriage.**—A diriment impediment or other invalidating defect is sometimes discovered after the celebration of marriage. There are various solutions of this difficulty.

(a) If the marriage can be validated (or made valid), this should be done. The manner of simple validation of marriages null on account of diriment impediment, defective consent or lack of form, is declared in Canons 1133–1137.

(b) If the marriage cannot be validated simply, it may be made valid in certain cases by the special validation known as a *sanatio in radice.* This supposes that a consent naturally sufficient, but juridically insufficient, was given, and that a renewal of consent cannot be obtained (see Canons 1138–1141).

(c) If marriage cannot be validated in any way (as in the case of an indispensable impediment), the parties should be separated, or permitted to live together as brother and sister, or left in good faith. Thus, if the nullity of the marriage is public, the parties should be separated after a declaration of nullity; if the nullity is secret and unprovable, the parties may be permitted to live together as brother and sister, if they know the marriage is null, but are not exposed to the danger of incontinence; if the parties are in good faith about their marriage and it is foreseen that serious evils would result were they told the truth (such as bad faith, or misfortunes for the children), they may be left as they are.

**2831. The Lawfulness of Divorce and Separation.**—(a) Complete divorce, or dissolution of the bond with the right to remarry during the lifetime of the other spouse, is never lawful, except in the cases mentioned in **2787** e. Moreover, the civil lawgiver has no right ever to dissolve the marriage tie, for the marriage bond of Christians is sacramental and not subject to the State, while the marriage bond of non-Christians is indissoluble by human authority. On the death of one spouse, however, the survivor is free to marry again, though chaste widowhood is more honorable.

(b) Incomplete divorce, or separation from bed and board, is allowed permanently to the innocent spouse in case of adultery, and temporarily when there are other good reasons. Thus, if one of the parties becomes an apostate, or gives non-Catholic education to the children, or leads a criminal or disgraceful life, or makes common life too hard by his cruelty, or endangers the other party in soul or body, the innocent spouse may separate after appealing to the Ordinary, or may depart on his or her own authority, if the facts are certain and there is danger in delay (Canons 1118 sqq.). With permission one may even seek a civil divorce, if it is a separation only, in order to be free as regards civil effects of marriage (1950).

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